

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/1. REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES/(1) INTRODUCTION/501. The legislation and system.

REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))

1. REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES

(1) INTRODUCTION

501. The legislation and system.

A comprehensive system for the registration of births, deaths and marriages was first introduced in England under the Births and Deaths Registration Act 1836¹. That system has remained essentially unchanged to the present day and is now governed by the Marriage Act 1949², the Births and Deaths Registration Act 1953, the Registration Service Act 1953³ and regulations made under each of those Acts⁴.

¹ See the Births and Deaths Registration Act 1836, preamble s 2 (repealed). The system of registration was re-enacted with greater precision and completeness in 1874 by the Births and Deaths Registration Act 1874 (repealed).

² See the Marriage Act 1949 Pt IV (ss 53-67) (as amended); and PARA 558 et seq post.

³ The Marriage Act 1949, the Births and Deaths Registration Act 1953 and the Registration Service Act 1953 (known collectively as the Registration Acts: see the Registration Service Act 1953 s 21(1)) consolidated with minor corrections and improvements the earlier legislation on the subject of registration.

⁴ Regulations are in most cases made by the Registrar General with the approval of the Chancellor of the Exchequer: see the Marriage Act 1949 s 74 (amended by the Registration Service Act 1953 s 23(2), Sch 2; and the Transfer of Functions (Registration and Statistics) Order 1996, SI 1996/273, art 3(1), Sch 1 para 7(c)); the Births and Deaths Registration Act 1953 s 39 (amended by the Transfer of Functions (Registration and Statistics) Order 1996, SI 1996/273, Sch 1 para 8(b)); and the Registration Service Act 1953 s 20 (amended by the Local Government Act 1972 s 251, Sch 29 para 41(5); and the Transfer of Functions (Registration and Statistics) Order 1996, SI 1996/273, Sch 1 para 9(c)). The principal regulations are (1) the Registration of Births, Deaths and Marriages Regulations 1968, SI 1968/2049 (largely revoked; amended by, inter alia, SI 1995/744; SI 1996/1626; and SI 1996/2052) (see PARA 610 et seq post); (2) the Registration of Births and Deaths Regulations 1987, SI 1987/2088 (amended by SI 1987/2089; SI 1997/962; SI 1988/638; SI 1989/497; SI 1994/1948; SI 1997/844; and SI 1997/1533) (see PARA 505 et seq post); and (3) the Registration of Marriages Regulations 1986, SI 1986/1442 (amended by SI 1995/744; and SI 1996/2558) (see PARA 507 et seq post). Additional provision is made for registration in Wales by (a) the Registration of Births and Deaths (Welsh Language) Regulations 1987, SI 1987/2089 (amended by SI 1988/687; SI 1989/511; SI 1995/818; SI 1997/844; and SI 1997/1533) (see PARA 505 et seq post); and (b) the Registration of Marriages (Welsh Language) Regulations 1986, SI 1986/1445 (amended by SI 1995/818; and SI 1996/2558) (see PARA 507 et seq post).

UPDATE

501-502 The legislation and system, The registration service

Certain functions under provisions mentioned in these paragraphs are 'relevant functions' for the purposes of the Regulatory Enforcement and Sanctions Act 2008 s 4, Sch 3: see LOCAL GOVERNMENT vol 69 (2009) PARA 733.

501 The legislation and system

TEXT AND NOTES--Identity Cards Act 2006 makes provision for a national scheme of registration of individuals and for the issue of cards capable of being used for identifying registered individuals: see ss 1-23; and PARAS 501A, 501B. The 2006 Act also makes it an offence for a person to be in possession or control of an identity document to which he is not entitled, or of apparatus, articles or materials for making false identity documents, and provides for the creation of further criminal offences in relation to the scheme of registration and the imposition of civil penalties; see ss 25-34; and PARAS 527A-527E.

NOTE 4--SI 1986/1445 replaced: Registration of Marriages (Welsh Language) Regulations 1999, SI 1999/1621 (amended by SI 2000/3164, SI 2005/3177). SI 1987/2088 and SI 1987/2089 further amended: SI 2003/3048, SI 2006/2827, SI 2009/2165. Reference to the Chancellor of the Exchequer is now to the Secretary of State: Marriage Act 1949 s 74; Births and Deaths Registration Act 1953 s 39; Registration Service Act 1953 s 20 (amended by SI 2008/678).

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/1. REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES/(1) INTRODUCTION/501A. National scheme of registration.

501A. National scheme of registration.

1. The National Identity Register

The Secretary of State is under a duty to establish and maintain a register of individuals ('the National Identity Register')¹. The purposes for which the register is to be established and maintained are confined to the statutory purposes, which are to facilitate, by the maintenance of a secure and reliable record of registrable facts about individuals in the United Kingdom, (1) the provision of a convenient method for such individuals to prove registrable facts about themselves to others who reasonably require proof; and (2) the provision of a secure and reliable method for registrable facts about such individuals to be ascertained or verified wherever that is necessary in the public interest². For these purposes³, something is necessary in the public interest if, and only if, it is (a) in the interests of national security; (b) for the purposes of the prevention or detection of crime⁴; (c) for the purposes of the enforcement of immigration controls; (d) for the purposes of the enforcement of prohibitions on unauthorised working or employment; or (e) for the purpose of securing the efficient and effective provision of public services⁵. 'Registrable fact', in relation to an individual, means (i) his identity⁶; (ii) the address of his principal place of residence⁷ in the United Kingdom; (iii) the address of every other place in the United Kingdom or elsewhere where he has a place of residence; (iv) where in the United Kingdom and elsewhere he has previously been resident; (v) the times at which he was resident at different places in the United Kingdom or elsewhere; (vi) his current residential status⁸; (vii) residential statuses previously held by him; (viii) information⁹ about numbers allocated to him for identification purposes and about the documents to which they relate¹⁰; (ix) information about occasions on which information recorded about him in the register has been provided to any person; and (x) information recorded in the register at his request¹¹.

The Secretary of State must appoint a National Identity Scheme Commissioner to supervise the operation of the register and the identity cards scheme¹².

1 Identity Cards Act 2006 s 1(1).

2 Identity Cards Act 2006 s 1(2), (3).

3 le for the purposes of the 2006 Act.

4 The definition of 'detection' in Regulation of Investigatory Powers Act 2000 s 81(5) applies for these purposes as it applies for the purposes of the provisions of the 2000 Act that are not in Pt I Ch I (ss 1-20); and 'crime' means a crime within the meaning of the 2000 Act s 81(2) (see CRIMINAL LAW, EVIDENCE AND PROCEDURE vol 11(1) (2006 Reissue) PARA 509); Identity Cards Act 2006 s 42(1).

5 Identity Cards Act 2006 s 1(4). References to the provision of a public service are references to (1) the provision of any service to an individual by a public authority; (2) the exercise or performance in relation to an individual of any power or duty of a minister or the Treasury; (3) the doing by any other person of anything in relation to an individual which that other person is authorised or required to do for purposes connected with the carrying out of any function conferred by or under an enactment; (4) the provision of any service to an individual under arrangements made (directly or indirectly) between the person providing the service and a public authority who, for purposes connected with the carrying out of a function so conferred on that authority, bears the whole or a part of the expense of providing the service to that individual; or (5) the acceptance or acknowledgment of the conduct of an individual as compliance by that individual with a requirement imposed on him by or under an enactment, or the receipt of any notification or information provided by an individual for the purpose of complying with such a requirement: Identity Cards Act 2006 s 42(2). References to an application for the provision of a public service include references to any claim, request or requirement for the provision of the service: Identity Cards Act 2006 s 42(3).

6 References to an individual's identity are references to (a) his full name; (b) other names by which he is or has previously been known; (c) his gender; (d) his date and place of birth and, if he has died, the date of his death; and (e) external characteristics of his that are capable of being used for identifying him: Identity Cards Act 2006 s 1(7).

7 The Secretary of State may by regulations make provision as to the circumstances in which a place is to be regarded, in relation to an individual, as a place where he resides or as his principal place of residence in the United Kingdom: Identity Cards Act 2006 s 42(10). As to the provision so made see Identity Cards Act 2006 (Application and Issue of ID Card and Notification of Changes) Regulations 2009, SI 2009/2795, reg 19.

8 'Residential status', in relation to an individual, means (i) his nationality; (ii) his entitlement to remain in the United Kingdom; and (iii) where that entitlement derives from a grant of leave to enter or remain in the United Kingdom, the terms and conditions of that leave: Identity Cards Act 2006 s 1(8).

9 'Information' includes documents and records: Identity Cards Act 2006 s 42(1).

10 The registrable facts falling within head (viii) do not include any sensitive personal data (within the meaning of the Data Protection Act 1998) (see CONFIDENCE AND DATA PROTECTION vol 8(1) (2003 Reissue) PARA 506) or anything the disclosure of which would tend to reveal such data: Identity Cards Act 2006 s 1(6).

11 Identity Cards Act 2006 s 1(5).

12 See Identity Cards Act 2006 s 22. The Commissioner must report to the Secretary of State on the carrying out of his functions after the end of each calendar year: see Identity Cards Act 2006 s 23. As to the identity cards scheme see PARAS 501B.1-3. The Secretary of State may by regulations impose fees in respect of specified functions that he carries out in relation to the register and the identity cards scheme: see Identity Cards Act 2006 s 35. In exercise of the power so conferred, the Secretary of State has made Identity Cards Act 2006 (Fees) Regulations 2009, SI 2009/2805.

2. Registration

An entry must be made in the register¹ for every individual who is entitled to be entered in it² and applies to be entered in it³. An entry for an individual may be made in the register (whether or not he has applied to be, or is entitled to be, entered in it) if (1) information capable of being recorded in an entry for him is otherwise available to be recorded; and (2) the Secretary of State considers that the addition of the entry to the register would be consistent with the statutory purposes⁴. An entry in the register consisting of all the information recorded about an individual must be given a unique number, to be known as his national identity registration number, and that number must comply with the prescribed requirements⁵. Information may be entered in the register and, once entered, may continue to be recorded there, only if and for so long as it is consistent with the statutory purposes for it to be recorded in the register⁶.

The Secretary of State may by order designate documents for the purposes of registration⁷ and applications relating to entries in the register must be made in the manner prescribed by regulations made by the Secretary of State⁸.

1 As to the register see PARA 501A.1.

2 The individuals entitled to be entered in the register are (1) every individual who has attained the age of 16 and, without being excluded under Identity Cards Act 2006 s 2(3) from an entitlement to be registered, is residing at a place in the United Kingdom; and (2) every individual of a prescribed description who has resided in the United Kingdom or who is proposing to enter the United Kingdom: Identity Cards Act 2006 s 2(2) (in force in relation to specified persons: see SI 2009/2565, SI 2009/3032, SI 2009/3323, SI 2010/126). See also the Identity Cards Act 2006 (Entitlement to be Registered) Regulations 2009, SI 2009/2572. The Secretary of State may by order modify the age specified in head (1): Identity Cards Act 2006 s 2(6). Regulations made by the Secretary of State may provide that an individual residing in the United Kingdom is excluded from an entitlement to be registered in specified circumstances: see Identity Cards Act 2006 s 2(3). See also the Identity Cards Act 2006 (Entitlement to be Registered) Regulations 2009, SI 2009/2572.

3 Identity Cards Act 2006 s 2(1) (in force in relation to specified persons: see SI 2009/2565, SI 2009/3032, SI 2009/3323, SI 2010/126).

4 Identity Cards Act 2006 s 2(4). As to the statutory purposes see PARA 501A.1.

5 Identity Cards Act 2006 s 2(5). As to the requirements so prescribed see Identity Cards Act 2006 (National Identity Registration Number) Regulations 2009, SI 2009/2574.

6 Identity Cards Act 2006 s 3(1). As to the information that may be so recorded see Identity Cards Act 2006 s 3(2)-(5), Sch 1 (Sch 1 amended by SI 2009/2570). The Secretary of State may by order modify the information that may be recorded: Identity Cards Act 2006 s 3(6).

7 See Identity Cards Act 2006 s 4. Provision is also made for the functions of persons issuing designated documents (a designated documents authority): see Identity Cards Act 2006 s 8; Identity Cards Act 2006 (Prescribed Information) Regulations 2009, SI 2009/2794, reg 7. 'Designated documents authority' means a person with the power or duty to issue a designated document; and 'document' includes a stamp or label: Identity Cards Act 2006 s 42(1).

8 See Identity Cards Act 2006 s 5 (in force in part and in relation to specified persons: see SI 2009/2565, SI 2009/3032, SI 2009/3323, SI 2010/126). As to the manner of applications so prescribed see Identity Cards Act 2006 (Application and Issue of ID Card and Notification of Changes) Regulations 2009, SI 2009/2795, regs 2, 3, 5, 6, Schs 1-3.

3. Accuracy of the register

Where it appears to the Secretary of State that a specified person¹ may have information in his possession which could be used for verifying (1) something recorded in the register² about an individual; (2) something provided to the Secretary of State or a designated documents authority³ for the purpose of being recorded in an individual's entry in the register; or (3) something otherwise available to the Secretary of State to be recorded about an individual in the register, he may require that person to provide him with the information⁴. Where it appears to a designated documents authority that such a person may have information in his possession which could be used for verifying (a) something that is recorded in the register about an individual who has applied to the authority for the issue or modification⁵ of a designated document or of an ID card⁶; or (b) something that has been provided to that authority for the purpose of being recorded in the entry of such an individual in the register, the authority may require that person to provide it with the information⁷. It is the duty of a person who is required to provide information and has the information in his possession to comply with the requirement within the period specified in it⁸.

An individual to whom an ID card has been issued must notify the Secretary of State about every prescribed change of circumstances affecting the information recorded about him in the register and every error in that information of which he is aware⁹. Where an individual has given such a notification, the Secretary of State may require him to do such one or more

specified things as he thinks fit for the purpose of verifying the information that may be entered in the register about that individual in consequence of the notified change or for the purpose of correcting the error or otherwise ensuring that there is a complete, up-to-date and accurate entry about that individual in the register¹⁰. The things so specified are: (i) to attend at an agreed place and time or (in the absence of agreement) at a specified place and time; (ii) to allow his fingerprints, and other biometric information¹¹ about himself, to be taken and recorded; (iii) to allow himself to be photographed; and (iv) otherwise to provide such information as may be required by the Secretary of State¹². An individual who contravenes a requirement so imposed on him is liable to a civil penalty not exceeding £1,000¹³.

1 Is a person specified in an order made by the Secretary of State: see Identity Cards Act 2006 s 9(4)-(6). As to the persons so specified, see the Identity Cards Act 2006 (Information and Code of Practice on Penalties) Order 2009, SI 2009/2570.

2 As to the register see PARA 501A.1.

3 For the meaning of 'designated documents authority' see PARA 501A.2.

4 Identity Cards Act 2006 s 9(1).

5 'Modification' includes omission, addition or alteration: Identity Cards Act 2006 s 42(1).

6 As to ID cards see PARAS 501B.1-3. For the meaning of 'issue' see PARA 501B.1.

7 Identity Cards Act 2006 s 9(2). The Secretary of State may, in such cases (if any) as he thinks fit, make payments to a person providing information in respect of the provision of the information: Identity Cards Act 2006 s 9(7).

8 Identity Cards Act 2006 s 9(3). As to the person to whom the duty is owed, see SI 2009/2570 art 6, 7.

9 Identity Cards Act 2006 s 10(1). As to the changes of circumstances so prescribed see Identity Cards Act 2006 (Application and Issue of ID Card and Notification of Changes) Regulations 2009, SI 2009/2795, reg 13. A notification for these purposes must be given in the prescribed manner and within the prescribed period after the change of circumstances occurs or the individual in question becomes aware of the error: Identity Cards Act 2006 s 10(2). As to the manner and period so prescribed see SI 2009/2795 regs 14, 15.

10 Identity Cards Act 2006 s 10(3).

11 'Fingerprint', in relation to an individual, means a record (in any form and produced by any method) of the skin pattern and other physical characteristics or features of any of his fingers; and 'biometric information', in relation to an individual, means data about his external characteristics, including, in particular, the features of an iris or of any other part of the eye: Identity Cards Act 2006 s 42(1).

12 Identity Cards Act 2006 s 10(4).

13 Identity Cards Act 2006 s 10(7). As to civil penalties see PARA 527E.

4. Provision of information from the register

The Secretary of State may provide a person with specified information¹ recorded in an individual's entry in the register² if an application for the provision of the information is made by or with the authority of the individual or the individual otherwise consents to the provision of the information³.

The Secretary of State may also, without the individual's consent, provide a person with information recorded in an individual's entry in the register if the provision of the information is authorised by the following provisions and there is compliance with any requirements imposed⁴ in relation to the provision of the information⁵. The provision of information is so authorised where it is to (1) the Director-General of the Security Service for purposes connected with the carrying out of any of that service's functions; (2) the Chief of the Secret Intelligence Service for purposes connected with the carrying out of any of that service's functions; (3) the Director

of the Government Communications Headquarters for purposes connected with the carrying out of any of the functions of GCHQ⁶; or (4) the Director General of the Serious Organised Crime Agency for purposes connected with the carrying out of any of that agency's functions⁷. The provision of certain information to a chief officer of police⁸, the Commissioners of Revenue and Customs, a government department, a designated documents authority⁹, and other persons concerned with the prevention and detection of crime¹⁰ is also authorised where it is provided for specified purposes¹¹.

The Secretary of State may further provide information to a person or organisation who has supplied information for verification purposes where the information provided appears to be inaccurate or incomplete¹², and may further authorise the provision of certain information to a public authority¹³ for specified purposes in the absence of any authorisation under the above provisions if he complies with specified requirements¹⁴.

The Secretary of State also has power to make rules for providing information under the above provisions¹⁵.

1 As to the information so specified see Identity Cards Act 2006 s 12(2), (3), (10). The Secretary of State has power to modify and further restrict the information that may be provided and to make supplementary provision: Identity Cards Act 2006 s 12(4)-(9). In exercise of the power so conferred, the Secretary of State has made Identity Cards Act 2006 (Provision of Information with Consent) Regulations 2009, SI 2009/2575 (amended by SI 2010/1180).

2 As to the register see PARA 501A.1.

3 Identity Cards Act 2006 s 12(1). References to providing a person with information recorded in an individual's entry in the register include references to confirming or otherwise disclosing to him that the information is recorded in that entry, or that particular information is not recorded in that entry; and references to information recorded in an individual's entry in the register include references to a password or code generated by a method so recorded: Identity Cards Act 2006 s 42(7), (8).

4 le imposed by Identity Cards Act 2006 s 21 below.

5 Identity Cards Act 2006 s 17(1).

6 'GCHQ' has the same meaning as in Intelligence Services Act 1994 (see CONSTITUTIONAL LAW AND HUMAN RIGHTS vol 8(2) (Reissue) PARA 473): Identity Cards Act 2006 s 17(9).

7 Identity Cards Act 2006 s 17(2).

8 'Chief officer of police' means the chief officer of police of a police force maintained for a police area in England and Wales, the Chief Constable of the Ministry of Defence Police, the Chief Constable of the Civil Nuclear Constabulary, and the Chief Constable of the British Transport Police: Identity Cards Act 2006 s 17(9).

9 For the meaning of 'designated documents authority' see PARA 501A.2.

10 For the meaning of 'detection' and 'crime' see PARA 501A.1.

11 See Identity Cards Act 2006 ss 17(3)-(8), (10), 18; Identity Cards Act 2006 (Information and Code of Practice on Penalties) Order 2009, SI 2009/2570, art 8; Identity Cards Act 2006 (Provision of Information without Consent) Regulations 2009, SI 2009/2793.

12 See Identity Cards Act 2006 s 19.

13 'Public authority' has the same meaning as in Human Rights Act 1998 s 6 (see CONSTITUTIONAL LAW AND HUMAN RIGHTS vol 8(2) (Reissue) PARA 104A.3): Identity Cards Act 2006 s 42(1).

14 See Identity Cards Act 2006 s 20; Identity Cards Act 2006 (Information and Code of Practice on Penalties) Order 2009, SI 2009/2570, art 9.

15 See Identity Cards Act 2006 s 21.

UPDATE

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Certain functions under provisions mentioned in these paragraphs are 'relevant functions' for the purposes of the Regulatory Enforcement and Sanctions Act 2008 s 4, Sch 3: see LOCAL GOVERNMENT vol 69 (2009) PARA 733.

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501B. Identity cards.

1. Issue etc

An ID card¹ issued to an individual (1) must record only the prescribed information²; (2) must record prescribed parts of it in an encrypted form³; (3) is valid only for the prescribed period; and (4) remains the property of the person issuing it⁴. Except in prescribed cases, an ID card must be issued to an individual if he (a) is entitled to be entered in the register or is subject to compulsory registration⁵; and (b) is an individual about whom the prescribed registrable facts⁶ are recorded in the register⁷. In prescribed cases an ID card may be issued to an individual who is not required to be issued with one, but is an individual about whom the prescribed registrable facts are recorded in the register⁸.

An ID card relating to an individual must not be issued except on an application made by him which either accompanies an application made by him to be entered in the register, or in the prescribed manner confirms (with or without changes) the contents of an entry already made in the register⁹ for that individual¹⁰. Where an individual who is not already the holder of an ID card makes an application to be issued with a designated document¹¹, his application must, in the prescribed manner, include an application by him to be issued with such a card unless (i) it is being made before 1 January 2010; (ii) the designated document applied for is a United Kingdom passport¹²; and (iii) the application for that document contains a declaration by that individual that he does not wish to be issued with such a card¹³.

The following provisions are not yet in force. Where an individual is subject to compulsory registration and is entered in the register, and if he holds a valid ID card that is due to expire within the prescribed period, or does not hold a valid ID card, he must apply for one within the prescribed period¹⁴. Where an individual applies for an ID card in pursuance of these provisions, the Secretary of State may require him to do such one or more specified things for the purpose of verifying information provided for the purposes of the application, or otherwise ensuring that there is a complete, up-to-date and accurate entry about that individual in the register¹⁵. An individual who contravenes these requirements is liable to a civil penalty not exceeding £1,000¹⁶.

The Secretary of State must appoint a National Identity Scheme Commissioner to supervise the operation of the identity cards scheme¹⁷, and must report to Parliament about the likely costs of the scheme¹⁸.

1 For the purposes of Identity Cards Act 2006, an ID card is a card which (1) is issued to an individual by the Secretary of State, or as part of or together with a designated document; and (2) as respects that individual, does both of the following things: (a) recording registrable facts about the individual that are already recorded as part of his entry in the register; and (b) carrying data enabling the card to be used for facilitating the making of applications for information recorded in a prescribed part of the individual's entry in the register, or for otherwise facilitating the provision of that information to a person entitled to be provided with it: Identity Cards Act 2006 s 6(1), (2). 'Card' includes a document or other article, or a combination of a document and an article,

in or on which information is or may be recorded; references to the issue of a document or card include references to its renewal, replacement or re-issue (with or without modifications); and references to a designated document being issued together with an ID card include references to the ID card and the designated document being comprised in the same card: Identity Cards Act 2006 s 42(1), (5), (6). As to the register see PARA 501A.1; and as to the designation of documents see PARA 501A.2. The part of an individual's entry in the register so prescribed is the part containing all the information for the time being recorded in his entry in the register other than information falling within 2006 Act Sch 1 para 9: Identity Cards Act 2006 (Application and Issue of ID Card and Notification of Changes) Regulations 2009, SI 2009/2795, reg 17.

2 As to the information so prescribed for the purposes of head (1) see Identity Cards Act 2006 (Prescribed Information) Regulations 2009, SI 2009/2794, reg 5.

3 As to the parts of the information so prescribed for the purposes of head (2) see Identity Cards Act 2006 (Prescribed Information) Regulations 2009, SI 2009/2794, regs 2-4.

4 Identity Cards Act 2006 s 6(3). The prescribed validity period is the period which ends on the date after the expiry of 10 years beginning with the date of issue: Identity Cards Act 2006 (Application and Issue of ID Card and Notification of Changes) Regulations 2009, SI 2009/2795, reg 18.

5 'Subject to compulsory registration' means required to be entered in the National Identity register in accordance with an obligation imposed by an Act of Parliament passed after the passing of the 2006 Act: Identity Cards Act 2006 s 42(1).

6 For the meaning of 'registrable facts' see PARA 501A.1.

7 Identity Cards Act 2006 s 6(4). Section 6(4) does not require an ID card to be issued as part of or together with a designated document issued on an application made in a case falling within s 6(7) below: Identity Cards Act 2006 s 6(4). As to the registrable facts about an individual prescribed for the purposes of head (b) see Identity Cards Act 2006 (Prescribed Information) Regulations 2009, SI 2009/2794, reg 6.

8 Identity Cards Act 2006 s 6(5). As to the cases and registrable facts so prescribed see Identity Cards Act 2006 (Application and Issue of ID Card and Notification of Changes) Regulations 2009, SI 2009/2795, regs 7, 8.

9 References to an individual confirming the contents of his entry in the register are references to his confirming that entry to the extent only that it consists of information falling within Identity Cards Act 2006 s 3(3) or Sch 1 paras 1-5 (PARA 501A.2): Identity Cards Act 2006 s 42(4).

10 Identity Cards Act 2006 s 6(6). As to the manner of confirming the contents of an entry already made in the register so prescribed see Identity Cards Act 2006 (Application and Issue of ID Card and Notification of Changes) Regulations 2009, SI 2009/2795, reg 4; and as to the requirements with which a designated documents authority must comply when handling such an application see SI 2009/2795 reg 12.

11 As to the designation of documents see PARA 501A.2.

12 Ie within the meaning of Immigration Act 1971 (see BRITISH NATIONALITY, IMMIGRATION AND ASYLUM vol 4(2) (2002 Reissue) PARA 93 NOTE 16).

13 Identity Cards Act 2006 s 6(7). As to the manner of application so prescribed see Identity Cards Act 2006 (Application and Issue of ID Card and Notification of Changes) Regulations 2009, SI 2009/2795, reg 9. Other applications for the issue of an ID card (i) may be made only in the prescribed manner; (ii) may be made to the Secretary of State or, in prescribed cases, to a designated documents authority; and (iii) must be accompanied by the prescribed information; and regulations for the purposes of head (ii) may authorise an application to be made to a designated documents authority irrespective of whether an application is made to that authority for the issue of a designated document: Identity Cards Act 2006 s 6(8). For the meaning of 'designated documents authority' see PARA 501A.2. As to the manner of making other applications so prescribed see Identity Cards Act 2006 (Application and Issue of ID Card and Notification of Changes) Regulations 2009, SI 2009/2795, reg 10; and as to the information so prescribed for the purposes of head (iii) see SI 2009/2795, reg 11.

14 Identity Cards Act 2006 s 7(1), (2) (s 7 comes into force on a day to be appointed by the Secretary of State: Identity Cards Act 2006 s 44(3)).

15 Identity Cards Act 2006 s 7(3). The things that an individual may be required to do under s 7(3) are: (A) to attend at an agreed place and time or (in the absence of agreement) at a specified place and time; (B) to allow his fingerprints, and other biometric information about himself, to be taken and recorded; (C) to allow himself to be photographed; and (D) otherwise to provide such information as may be required by the Secretary of State: Identity Cards Act 2006 s 7(4). For the meaning of 'fingerprint' and 'biometric information' see PARA 501A.3.

16 Identity Cards Act 2006 s 7(5). As to civil penalties see PARA 527E.

17 As to the Commissioner see PARA 501A.1. The Secretary of State may by regulations impose fees in respect of specified functions that he carries out in relation to the identity cards scheme: see PARA 501A.1.

18 See Identity Cards Act 2006 s 37.

2. Invalidity and surrender

Regulations may require an individual to whom an ID card¹ has been issued to notify the Secretary of State, and such other persons as may be prescribed, if he knows or has reason to suspect that the card has been lost, stolen, damaged, tampered with², or destroyed³. The Secretary of State may cancel an ID card if it appears to him that (1) the card was issued in reliance on inaccurate or incomplete information; (2) the card has been lost, stolen, damaged, tampered with or destroyed; (3) there has been a modification⁴ of information recorded in the entry in the register⁵ of the holder of the card; (4) another change of circumstances requires a modification of information recorded in or on the card; or (5) it is an ID card of a description of cards that the Secretary of State has decided should be re-issued⁶. A person who is knowingly in possession of an ID card without either the lawful authority of the individual to whom it was issued or the permission of the Secretary of State must surrender the card as soon as it is practicable to do so⁷.

Where it appears to the Secretary of State that a person is in possession of an ID card (a) issued to another; (b) that has expired or been cancelled or is otherwise invalid; (c) that has not yet been cancelled but is of a description of cards that the Secretary of State has decided should be re-issued; or (d) that is in that person's possession in consequence of a contravention⁸ of a relevant requirement⁹, he may require that person to surrender the card within such period as he may specify¹⁰. Where an ID card has to be so surrendered, it must be surrendered to the Secretary of State or, in the case of a card issued by a designated documents authority¹¹, either to the Secretary of State or to that authority¹².

A person who contravenes a requirement imposed by or under any regulations or provisions mentioned above is liable to a civil penalty not exceeding £1,000¹³.

1 For the meaning of 'ID card' see PARA 501B.1.

2 References to a card having been damaged include references to anything in or on it being, or having become, unreadable or otherwise unusable; and references to a card having been tampered with include references to information in or on it having been modified for an unlawful purpose, or copied or otherwise extracted for such a purpose: Identity Cards Act 2006 s 11(7).

3 Identity Cards Act 2006 s 11(1). The notification requirements are contained in Identity Cards Act 2006 (Application and Issue of ID Card and Notification of Changes) Regulations 2009, SI 2009/2795, reg 16.

4 For the meaning of 'modification' see PARA 501A.3.

5 As to the register see PARA 501A.1.

6 Identity Cards Act 2006 s 11(2).

7 Identity Cards Act 2006 s 11(3).

8 'Contravention' includes a failure to comply: Identity Cards Act 2006 s 42(1).

9 'Relevant requirement' means a requirement to surrender or otherwise to deliver an ID card to the Secretary of State, or to another, which is imposed by virtue of any order under Identity Cards Act 2006 s 39 (see SENTENCING AND DISPOSITION OF OFFENDERS vol 92 (2010) PARA 530), or by any enactment relating to the surrender of any other document: Identity Cards Act 2006 s 11(8).

10 Identity Cards Act 2006 s 11(4).

11 For the meaning of 'designated documents authority' see PARA 501A.2.

12 Identity Cards Act 2006 s 11(5).

13 Identity Cards Act 2006 s 11(6). As to civil penalties see PARA 527E.

3. Required identity checks

Regulations may make provision allowing or requiring a person who provides a public service¹ to make it a condition of providing the service to an individual that the individual produces an ID card², other evidence of registrable facts³ about himself, or both⁴. However, regulations so made may not allow or require the imposition of a condition on (1) the entitlement of an individual to receive a payment under or in accordance with any enactment; or (2) the provision of any public service that has to be provided free of charge, except in cases where the individual is of a description of individuals who are subject to compulsory registration⁵. The above provision does not authorise the making of regulations the effect of which would be to require an individual to carry an ID card with him at all times or to produce such a card otherwise than for purposes connected with an application by him for the provision of a public service or with the provision of a public service for which he has applied⁶.

The Secretary of State may by regulations make provision authorising a person providing a public service in respect of which a condition is imposed under the above provisions, or a condition for the production of an ID card, or of evidence of registrable facts, or both, is imposed by or under any other enactment, to be provided with information recorded in the register⁷ that he requires for the purpose of ascertaining or verifying registrable facts about an individual who has applied for the provision of the service⁸.

It is unlawful to make it a condition of doing anything in relation to an individual that the individual (a) makes an application⁹ for the provision to him of information recorded in his entry in the register; (b) exercises the right¹⁰ to obtain information recorded in his entry in the register; or (c) provides a person with information about what is recorded in his entry in the register¹¹. It is also unlawful, except in specified cases, for any person (i) to make it a condition of doing anything in relation to an individual that the individual makes an application, or gives an authority or consent, in order to secure the provision to another person of information recorded in the individual's entry in the register; (ii) to make it a condition of doing anything in relation to an individual that the individual establishes his identity by the production of an ID card; or (iii) otherwise to impose a requirement on an individual to produce such a card¹². The obligation of a person not to impose a condition or requirement in relation to or on an individual is a duty owed to that individual and is enforceable by him in civil proceedings for an injunction or for any other appropriate remedy or relief¹³.

1 For the meaning of 'public service' see PARA 501A.1.

2 For the meaning of 'ID card' see PARA 501B.1.

3 For the meaning of 'registrable fact' see PARA 501A.1.

4 Identity Cards Act 2006 s 13(1). As to the procedure for making such regulations see Identity Cards Act 2006 s 14.

5 Identity Cards Act 2006 s 13(2). For the meaning of 'subject to compulsory registration' see PARA 501B.1.

6 Identity Cards Act 2006 s 13(3).

7 As to the register see PARA 501A.1.

8 See Identity Cards Act 2006 s 15.

9 I.e. an application under Identity Cards Act 2006 s 12(1) (PARA 501A.4).

10 le the right conferred by Data Protection Act 1998 s 7 (see CONFIDENCE AND DATA PROTECTION vol 8(1) (2003 Reissue) PARA 524).

11 Identity Cards Act 2006 s 16(1).

12 Identity Cards Act 2006 s 16(2). Such a condition or requirement may be imposed in relation to or on an individual (1) where the condition or requirement is imposed in accordance with regulations under s 13 above, or in accordance with provision made by or under any other enactment; (2) where provision is made allowing the individual to satisfy the condition or other requirement using reasonable alternative methods of establishing his identity; and (3) where the individual is of a description of individuals who are subject to compulsory registration: Identity Cards Act 2006 s 16(3).

13 Identity Cards Act 2006 s 16(4).

UPDATE

501-502 The legislation and system, The registration service

Certain functions under provisions mentioned in these paragraphs are 'relevant functions' for the purposes of the Regulatory Enforcement and Sanctions Act 2008 s 4, Sch 3: see LOCAL GOVERNMENT vol 69 (2009) PARA 733.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/1. REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES/(1) INTRODUCTION/502. The registration service.

502. The registration service.

England and Wales is divided for registration purposes into districts and sub-districts¹, according to schemes of organisation which must be made by local authorities². In every non-metropolitan county³ and metropolitan district⁴ there is to be one or more districts and in every district there is to be one or more sub-districts⁵. Births and deaths must be registered in the sub-district in which they occur⁶.

A superintendent registrar of births, deaths and marriages must be appointed for each registration district and a registrar of births and deaths must be appointed for each sub-district⁷. These officers are appointed by the council of the non-metropolitan county or metropolitan district in which their district or sub-district is situated⁸. The Registrar General for England and Wales is appointed by the Crown and has overall responsibility for the provision of the registration service⁹. His offices are known as the General Register Office¹⁰.

At ministerial level, the registration service falls within the remit of the Chancellor of the Exchequer¹¹. The Office for National Statistics, the administrative department of which the General Register Office is now a part, is subject to investigation by the Parliamentary Commissioner for Administration¹².

1 Registration Service Act 1953 s 5(1) (amended by the Local Government Act 1972 s 251, Sch 29 para 41(1)). See PARA 619 post.

2 Registration Service Act 1953 s 13 (amended by the Local Government Act 1972 Sch 29 para 41(1), (2), (4)). See PARA 623 post.

3 'Non-metropolitan county' includes a county borough in Wales for this purpose: Registration Service Act 1953 s 21(2)(b) (amended for this purpose by the Local Government (Wales) Act 1994 s 66(6), Sch 16 para 12).

4 'Metropolitan district' includes the City of London for this purpose: Registration Service Act 1953 s 21(2)(b).

- 5 Ibid s 5(1) (as amended: see note 1 supra).
- 6 See the Births and Deaths Registration Act 1953 s 1(1) (as amended), s 15; and PARAS 538, 561 post.
- 7 Registration Service Act 1953 s 5(2).
- 8 See ibid s 6(1) (amended by the Local Government Act 1972 s 251, Sch 29 para 41(2)); and PARA 610 post.
- 9 See the Registration Service Act 1953 s 1; and PARAS 605-606 post.
- 10 Ibid s 2. The principal office of the Registrar General is now at 1 Drummond Gate, London SW1V 2QQ. The public search room is at the Family Records Centre, 1 Myddelton Street, London EC1R 1UW.
- 11 See the Transfer of Functions (Registration and Statistics) Order 1996, SI 1996/273, art 3.
- 12 See the Parliamentary Commissioner Act 1967 s 4(1), Sch 2 (substituted by the Parliamentary and Health Service Commissioners Act 1987 s 1(1), (2), Sch 1; further amended for these purposes by the Transfer of Functions (Registration and Statistics) Order 1996, SI 1996/273, art 5(1), Sch 2 para 15(b)); and ADMINISTRATIVE LAW vol 1(1) (2001 Reissue) PARA 43.

UPDATE

501-502 The legislation and system, The registration service

Certain functions under provisions mentioned in these paragraphs are 'relevant functions' for the purposes of the Regulatory Enforcement and Sanctions Act 2008 s 4, Sch 3: see LOCAL GOVERNMENT vol 69 (2009) PARA 733.

502 The registration service

NOTE 2--1953 Act s 13 further amended: Statistics and Registration Service Act 2007 s 70(3), Sch 4 Pt 2.

TEXT AND NOTE 12--Office for National Statistics replaced by Statistics Board: see PARA 605. 1967 Act Sch 2 now as further substituted: see ADMINISTRATIVE LAW vol 1(1) (2001 Reissue) PARA 43.

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503. Registers and records.

The Registrar General¹ is required to provide register books to registrars of births and deaths² and to all persons authorised to register marriages³, for the purpose of making entries in them of births, deaths⁴ and marriages⁵. Certified copies of entries in the register books must be sent to the Registrar General at specified intervals⁶.

In addition to the certified copies of entries in the registers of births, deaths and marriages, other records and registers are kept at the General Register Office⁷, including⁸:

- 1 (1) the adopted children register⁹;
- 2 (2) the parental order register¹⁰;
- 3 (3) the service departments registers¹¹;
- 4 (4) the marine registers¹²;
- 5 (5) the air and hovercraft registers¹³; and

6 (6) the consular and United Kingdom High Commissioners' registers¹⁴.

- 1 As to the Registrar General see PARA 605 et seq post.
- 2 See the Births and Deaths Registration Act 1953 s 25; and PARA 607 post.
- 3 Marriage Act 1949 s 54(1). As to the persons who may register marriages see PARA 558 post.
- 4 See the Births and Deaths Registration Act 1953 s 1(1) (as amended); and PARA 538 post; s 15; and PARA 561 post.
- 5 See the Marriage Act 1949 s 54(1). Section 54(1) replaced earlier statutes with a saving for documents, registration etc effected under the replaced enactments: see s 79(2)-(4); and PARA 559 post.
- 6 See ibid s 58(1); the Births and Deaths Registration Act 1953 s 27; and PARA 618 post. As to the provision to the Registrar General of certified copies of entries in other registers see PARA 578 et seq post.
- 7 See the Registration Service Act 1953 s 2; and PARA 605 post.
- 8 Other registers kept at the General Register Office include registers of births, deaths and marriages of British subjects in the Ionian Islands between 1861 and 1864 and records from former protectorates in Asia and Africa prior to independence (see generally COMMONWEALTH); also records of certified places of worship, which are kept by the Registrar General under the Places of Worship Registration Act 1855 s 7 (as amended) (see ECCLESIASTICAL LAW).
- 9 See PARA 509 post.
- 10 See PARA 510 post.
- 11 See PARA 585 post.
- 12 See PARAS 578-581 post; and SHIPPING AND MARITIME LAW vol 94 (2008) PARAS 654-655.
- 13 See PARAS 578, 582 post; and AIR LAW vol 2 (2008) PARAS 586-587.
- 14 As to the registration of births, deaths and marriages abroad see PARA 591 et seq post.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/1. REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES/(2) THE REGISTERS/(i) Contents of the Registers/504. The form of the registers.

(2) THE REGISTERS

(i) Contents of the Registers

504. The form of the registers.

The marriage registers provided by the Registrar General¹ are required to be books made of durable materials with the heads of information required to be known and registered in relation to marriages printed upon each side of every leaf². Entries must be made in the marriage registers in the prescribed form³. The registers⁴ of live births⁵, stillbirths and deaths must also be in the forms respectively prescribed⁶ by the Registrar General⁷.

1 'Registrar General' means the Registrar General of Births, Deaths and Marriages in England: Marriage Act 1949 s 78(1); and see the Registration Service Act 1953 s 1. As to the Registrar General's duty to provide marriage registers see the Marriage Act 1949 s 54(1); and PARA 607 post.

2 Ibid s 54(2). Every page and every place of entry is numbered progressively from the beginning to the end of the book beginning with the number one, and every entry is divided from the following entry by a printed line: s 54(2).

3 Ibid s 54(1). In relation to marriages, 'prescribed' means prescribed by regulations made under the Marriage Act 1949 s 74 (as amended) (see PARA 606 post): s 78(1). For the prescribed form of entry see the Registration of Marriages Regulations 1986, SI 1986/1442, reg 10(1), Sch 1, Form 13. For the bilingual form of entry for use in Wales see the Registration of Marriages (Welsh Language) Regulations 1986, SI 1986/1445, reg 6, Sch 1, Form 9.

4 As to offences relating to the registers see PARA 527 et seq post.

5 'Birth' includes a live birth and a stillbirth; 'live birth' means the birth of a child born alive, and 'stillbirth' must be construed according to the meaning of 'stillborn child', which is a child which has issued forth from its mother after the twenty-fourth week of pregnancy and which did not at any time after being completely expelled from its mother breathe or show any other signs of life: Births and Deaths Registration Act 1953 s 41 (definition of 'stillborn child' amended by the Still-birth (Definition) Act 1992 s 1(1)).

6 In relation to births and deaths, 'prescribed' means prescribed by regulations made under the Births and Deaths Registration Act 1953 s 39 (as amended): s 41. The Registrar General may, with the approval of the Chancellor of the Exchequer, by statutory instrument make regulations (1) prescribing anything which is required to be prescribed by the 1953 Act; and (2) providing that any provision of that Act specified in the regulations, being a provision relating to the registration or entry of births, is to cease to apply in relation to stillbirths or, in the case of a provision expressed by that Act not to apply in relation to stillbirths, is to apply in relation to stillbirths with such modifications, if any, as may be prescribed; but head (2) supra does not apply in relation to s 9 (as amended) (see PARAS 548, 556 post) or s 11 (as amended) (see PARAS 550-551 post): s 39 (amended by virtue of the Transfer of Functions (Registration and Statistics) Order 1996, SI 1996/273, art 3(1), Sch 1 para 8(b), Sch 2 para 12). For the prescribed forms of entry see the Registration of Births and Deaths Regulations 1987, SI 1987/2088, regs 2(2)(b), 7, 31, 39, Sch 2, Forms 1, 9, 13 (Form 9 substituted by SI 1994/1948); and PARA 505 et seq post. For the bilingual forms of entry for use in Wales see the Registration of Births and Deaths (Welsh Language) Regulations 1987, SI 1987/2089, reg 2(a), Sch 2, Forms 1, 7, 10 (Forms 1, 7 substituted by SI 1995/818); and PARA 505 et seq post.

7 See the Births and Deaths Registration Act 1953 s 25.

UPDATE

504 The form of the registers

NOTE 3--SI 1986/1445 reg 6, Sch 1, Form 9 replaced: Registration of Marriages (Welsh Language) Regulations 1999, SI 1999/1621, reg 6, Sch 1, Form 9.

NOTE 6--SI 1987/2088 Sch 2 Form 13 substituted: SI 2006/2827. SI 1987/2088 reg 7 amended, Sch 2 Forms 1, 9 substituted; SI 1987/2089 Sch 2 Forms 1, 7 substituted: SI 2009/2165. Reference to the Chancellor of the Exchequer is now to the Secretary of State: Births and Deaths Registration Act 1953 s 39 (further amended by SI 2008/678).

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505. Particulars of live births.

The prescribed¹ particulars required to be registered² for a live birth³ are:

- 7 (1) the date and place of birth⁴;
- 8 (2) the name and surname and sex of the child⁵;
- 9 (3) the name and surname⁶, place of birth and occupation of the father⁷;

- 10 (4) the name and surname, place of birth, occupation, maiden surname, surname at marriage if different from maiden surname and usual address (if different from place of child's birth) of the mother⁸;
- 11 (5) the name and surname (if not the mother or father), qualification and usual address (if different from that given under head (4) above) of the informant⁹.

Where during the registration of a birth or death it appears to the registrar that he cannot enter the particulars required in any space¹⁰ on the appropriate form, he must¹¹ draw a line in ink though that space before the informant is called upon to certify the entry¹².

After completing the above particulars the registrar must call upon the informant to verify the particulars entered¹³ and then call upon the appropriate person¹⁴ to sign the entry¹⁵. He must then enter the date on which the entry is made and must sign the entry, adding his official description¹⁶.

The particulars to be registered¹⁷ in respect of abandoned children are (a) the place of birth; (b) the date of birth; and (c) the name, surname and sex of the child; and the entry must also include the date of registration and the signature of the attesting officer¹⁸.

1 For the meaning of 'prescribed' see PARA 504 note 6 ante. Particulars are prescribed in the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 2(2), Sch 2, Form 1 (as substituted: see note 4 infra) and, in relation to a birth occurring in Wales, the Registration of Births and Deaths (Welsh Language) Regulations 1987, SI 1987/2089, reg 3, Sch 2, Form 1 (substituted by SI 1995/818); and the Registration of Births and Deaths (Welsh Language) Regulations 1987, SI 1987/2089, Sch 3 (amended by SI 1989/511; and SI 1992/1504).

2 le by the Births and Deaths Registration Act 1953 s 1(1): see PARA 538 post. For the entries to be made in consular registers see PARA 591 post.

3 For the meaning of 'live birth' see PARA 504 note 5 ante.

4 Registration of Births and Deaths Regulations 1987, SI 1987/2088, regs 2(2)(b), 7(1), 9(1), (2), Sch 2, Form 1, space 1 (Form 1 substituted by SI 1994/1948). If more than one living child is born at the confinement the registrar must after the date of birth enter the time of birth: Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 9(2). 'Registrar', in relation to any birth or death, means the registrar of births and deaths for the sub-district in which the birth or death takes place, or, where any stillborn child is found exposed or any dead body is found and no information as to the place of birth or death is available, for the sub-district in which the child or dead body is found: Births and Deaths Registration Act 1953 s 41 (definition amended by the Children Act 1975 s 108(1)(a), Sch 3 para 13(1)); and see the Interpretation Act 1978 s 11. As to the registration service see PARA 605 et seq post.

5 Registration of Births and Deaths Regulations 1987, SI 1987/2088, Sch 2, Form 1, spaces 2, 3 (as substituted: see note 4 supra). If a name is not given, the registrar must enter only the surname, preceded by a horizontal line; and the surname to be entered must be the surname by which at the date of the registration of the birth it is intended that the child is to be known: reg 9(3).

6 Ibid Sch 2, Form 1, space 4 (as substituted: see note 4 supra). In relation to a person, 'name' excludes surname: reg 2(1). In the case of a child whose father and mother were not married to each other at the time of his birth, the registrar must not enter in the register the name of any person as father of the child except (1) at the joint request of the mother and the person stating himself to be the father of the child, in which case that person must sign the register together with the mother; or (2) at the request of the mother on production of (a) a declaration in the prescribed form made by the mother stating that that person is the father of the child and (b) a statutory declaration made by that person stating himself to be the father of the child; or (3) at the request of that person on production of (a) a declaration in the prescribed form by that person stating himself to be the father of the child and (b) a statutory declaration made by the mother stating that that person is the father of the child; or (4) at the request of the mother or that person on production of (a) a copy of a parental responsibility agreement between them in relation to the child; and (b) a declaration in the prescribed form by the person making the request stating that the agreement was made in compliance with the Children Act 1989 s 4 (see CHILDREN AND YOUNG PERSONS vol 5(3) (2008 Reissue) PARA 139) and has not been brought to an end by an order of a court; or (5) at the request of the mother or that person on production of (a) a certified copy of an order under s 4 giving that person parental responsibility for the child; and (b) a declaration in the prescribed form by the person making the request stating that the order has not been brought to an end by an order of a court; or (6) at the request of the mother or that person on production of (a) a certified copy of an order under s

15(1), Sch 1 para 1 (see CHILDREN AND YOUNG PERSONS vol 5(3) (2008 Reissue) PARA 539) which requires that person to make any financial provision for the child and which is not an order falling within Sch 1 para 4(3) (see CHILDREN AND YOUNG PERSONS vol 5(3) (2008 Reissue) PARA 546); and (b) a declaration in the prescribed form by the person making the request stating that the order has not been discharged by an order of a court; or (7) at the request of the mother or that person on production of (a) a certified copy of any of the orders mentioned in heads (i)-(iv) infra which has been made in relation to the child; and (b) a declaration in the prescribed form by the person making the request stating that the order has not been brought to an end or discharged by an order of a court: Births and Deaths Registration Act 1953 s 10(1) (substituted by the Family Law Reform Act 1987 s 24; amended by the Children Act 1989 s 108(4), Sch 12 para 6(1), (2)). The orders referred to in head (7) supra are: (i) an order under the Family Law Reform Act 1987 s 4 (repealed) that that person is to have all the parental rights and duties with respect to the child; (ii) an order that that person is to have custody or care and control or legal custody of the child made under the Guardianship of Minors Act 1971 s 9 (repealed) at a time when such an order could only be made in favour of a parent; (iii) an order under s 9 or s 11B (both repealed) which requires that person to make any financial provision in relation to the child; (iv) an order under the Affiliation Proceedings Act 1957 s 4 (repealed) naming that person as putative father of the child: Births and Deaths Registration Act 1953 s 10(1A) (added by the Children Act 1989 Sch 12 para 6(1), (3)). For these purposes, references to a child whose father and mother were not married to each other at the time of his birth are to be construed in accordance with the Family Law Reform Act 1987 s 1 (see CHILDREN AND YOUNG PERSONS vol 5(3) (2008 Reissue) PARA 125); and 'parental responsibility agreement' has the same meaning as in the Children Act 1989 (see CHILDREN AND YOUNG PERSONS vol 5(3) (2008 Reissue) PARA 139): Births and Deaths Registration Act 1953 s 10(3) (as so substituted; amended by the Children Act 1989 Sch 12 para 6(1), (5)). For the prescribed form of the declaration to be made by the mother pursuant to head (2)(a) supra and by the person stating himself to be the father pursuant to head (3)(a) supra (entry of father's name in register at request of and on declaration by one parent and statutory declaration of other) see the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 8, Sch 2, Form 2 (respectively substituted by SI 1989/497; and SI 1994/1948); and the Registration of Births and Deaths (Welsh Language) Regulations 1987, SI 1987/2089, reg 2(a), Sch 2, Form 2 (respectively amended and substituted by SI 1992/1504; and SI 1995/818). For the prescribed form of the declaration for the purposes of heads (4)-(7) supra see the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 4(4A), Sch 2, Form 6A (added by SI 1991/2275); or the Registration of Births and Deaths (Welsh Language) Regulations 1987, SI 1987/2089, Sch 2, Form 6A (added by SI 1992/1504). A request for registration of the father of a child whose parents are unmarried may be included in a declaration under the Births and Deaths Registration Act 1953 s 9 (as amended): see PARA 548 post. As to the reregistration of the birth of a child where no person has been entered as the father see PARA 556 post.

If, other than in a case where a request is made under heads (4)-(7) supra and the prescribed form of statutory declaration is produced, the father acquired after the child's birth a name or surname different from that borne by him at the date of the birth, the registrar must, subject to the Births and Deaths Registration Act 1953 s 10 (as substituted and amended), enter in the Registration of Births and Deaths Regulations 1987, SI 1987/2088, Sch 2, Form 1, space 4 (as substituted) the name and surname as at the date of the birth, followed by the name and surname as at the date of registration preceded by the word 'now' or, if the father is deceased, the name and surname at his death preceded by the word 'afterwards': reg 9(4)(a). In the case of a request made under heads (4)-(7) supra and upon production of a declaration in the prescribed form, the registrar must enter in Sch 2, Form 1, space 4 (as substituted) the name and surname of the father or putative father as recorded either in the parental responsibility agreement mentioned in head (4) supra or the order mentioned in heads (5), (6) or (7) supra: reg 9(4)(b) (substituted by SI 1991/2275). A person will not be registered as the father of a child if he is not, in law, a man: see *Application 21830/93 X, Y and Z v United Kingdom* (1997) 24 EHRR 143, ECtHR, in which the European Court of Human Rights held that a refusal to register a female to male transsexual as the father of a child conceived by his female partner after artificial insemination with donor sperm does not constitute a violation of the right to family life under the Convention for the Protection of Human Rights and Fundamental Freedoms (Rome, 4 November 1950; TS 71 (1953); Cmd 8969) art 8. Although not the biological father, a man in the position of the applicant would have been treated as the child's father under the Human Fertilisation and Embryology Act 1990 s 28(3) and could have been registered as such.

7 Registration of Births and Deaths Regulations 1987, SI 1987/2088, Sch 2, Form 1, spaces 5, 6 (as substituted: see note 4 supra). In a case to which the Births and Deaths Registration Act 1953 s 10 (as substituted and amended) applies (see note 6 supra), the registrar must not complete these spaces unless the name and surname of the father of the child have been entered pursuant s 10 (as so substituted and amended): Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 9(5). If the father was deceased at the date of the birth the registrar must enter below the particulars in Sch 2, Form 1, space 6 (as substituted) the word 'deceased'; and if the father has changed his occupation since the birth of the child, the registrar must in that space after the occupation as at the date of the birth enter the occupation as at the date of registration preceded by the word 'now': reg 9(5)(b), (c).

8 Ibid Sch 2, Form 1, spaces 7-10 (as substituted: see note 4 supra). 'Maiden surname' in relation to a woman means the surname under which she contracted her marriage (or, where she has married more than once, her first marriage): reg 2(1) (definition substituted by SI 1994/1948). With respect the mother's name and surname, if after the birth of the child the mother acquired a name or surname different from that borne by her at the date of the birth, the registrar must enter the name and surname as at the date of the birth, followed by the name and surname as at the date of registration preceded by the word 'now' or, if the mother is deceased,

the name and surname as at her death preceded by the word 'afterwards': Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 9(6)(a). With respect to the mother's occupation, if the mother has changed her occupation since the birth of the child, the registrar must in space 8b after the occupation as at the date of the birth enter the occupation as at the date of registration preceded by the word 'now': reg 9(6A) (added by SI 1994/1948). With respect to the mother's surname at marriage if married more than once, the surname to be entered must be that in which the mother contracted her most recent marriage except that if that surname is the same as that entered in the space for maiden surname, a line must be drawn through the space for surname at marriage: Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 9(7).

9 Ibid Sch 2, Form 1, spaces 11-13 (as substituted: see note 4 supra). As to who is qualified to give information concerning a birth see PARA 547 post. With respect to the informant's usual address: (1) the address required must be the address as at the date of registration of the birth; (2) if in pursuance of the Births and Deaths Registration Act 1953 s 10(1)(a) (as substituted) (see note 6 supra) an entry has been made in respect of the father of the child, the registrar must enter the father's address followed by the mother's address if different; (3) except as provided by head (2) supra, the registrar must not enter the address of the informant if that address is the same as the mother's usual address: Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 9(8) (amended by SI 1989/497).

10 Ie other than in the Registration of Births and Deaths Regulations 1987, SI 1987/2088, Sch 2, Form 1, space 17 (as substituted: see note 4 supra) (name given after registration, and surname): see PARA 544 post.

11 Ie subject to any other provision of the Registration of Births and Deaths Regulations 1987, SI 1987/2088: reg 4.

12 Ibid reg 4.

13 Ibid reg 9(9). If any error has been made in those particulars, the registrar must, in the presence of the informant, make the necessary correction as provided in reg 54 (see PARA 512 post): reg 9(10).

14 That person is the informant or, where an entry has been made under the Births and Deaths Registration Act 1953 s 10(1) (as substituted and amended) (see note 6 supra): (1) if made pursuant to s 10(1)(a) (as substituted), the person acknowledging himself to be the father, and then the mother; (2) if made pursuant to s 10(1)(b) (as substituted), the mother, in which case the registrar must add after her signature the prescribed words and particulars relating to the statutory declaration made by the person acknowledging himself to be the father; (3) if made pursuant to s 10(1)(c) (as substituted), the person stating himself to be the father of the child, in which case the registrar must add after his signature the prescribed words and particulars relating to the statutory declaration made by the mother; (4) if made pursuant to any of s 10(1)(d)-(f) (as substituted and added), the person making the request, in which case the registrar must add after his signature the words 'pursuant to' and the relevant statutory provision: see the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 10(1) (amended by SI 1989/497; and SI 1991/2275). See also note 9 supra.

15 Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 10(1), Sch 2, Form 1, space 14 (as substituted: see note 4 supra). Where a person is required to sign a register, declaration or statement in the presence of a superintendent registrar or a registrar and that person makes a mark or signs in characters other than those used in the English or Welsh language, the superintendent registrar or registrar concerned must write against the mark or signature the words 'The mark [or signature] of' and then insert the name and surname of the person: reg 5. 'Superintendent registrar', in relation to any registrar, means the superintendent registrar of births, deaths and marriages for the district in which that registrar's sub-district is situate: Births and Deaths Registration Act 1953 s 41; and see the Interpretation Act 1978 s 11.

16 Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 10(2), Sch 2, Form 1, spaces 15, 16 (as substituted: see note 4 supra). For the manner of registration of births occurring more than three but less than 12 months previously see PARA 542 post. For the manner of registration of births occurring more than 12 months previously see PARA 543 post. For the manner of reregistration of births see PARA 556 post.

17 Ie pursuant to the Births and Deaths Registration Act 1953 s 3A(2)(c) (as added): see PARA 539 post.

18 See the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 29, Sch 2, Form 8.

UPDATE

505 Particulars of live births

NOTE 1--SI 1987/2089 Sch 2 Form 1 substituted: SI 2009/2165. SI 1987/2089 Sch 3 further amended: SI 2003/3048, SI 2005/3177, SI 2009/2165.

NOTE 4--SI 1987/2088 Sch 2 Form 1 substituted: SI 2009/2165.

NOTES 5-8--See Case C-148/02 *Avello v Belgium* [2004] All ER (EC) 740, ECJ (decision of Belgian authority not to permit dual national to be registered with surname of father and mother was discrimination contrary to EC Treaty art 12).

NOTE 6--1953 Act s 10(1) now subject to s 10ZA: s 10(1) (amended by the Human Fertilisation and Embryology (Deceased Fathers) Act 2003 Schedule para 2). 1953 Act s 10ZA (added by the 2003 Act Schedule para 3; substituted by Human Fertilisation and Embryology Act 2008 Sch 6 para 6) provides for the registration of father or second female parent by virtue of certain provisions of the Human Fertilisation and Embryology Act 2008.

In the case of a request under the 1953 Act s 10ZA for the registration of the father by virtue of the 1990 Act s 28(5A), (5B), (5C) or (5D), the registrar must enter in SI 1987/2088 Sch 2 Form 1 space 4 (as substituted) the name and surname as at the date of his death of the man who is to be treated for the purpose of the 1990 Act s 28(5I) (see CHILDREN AND YOUNG PERSONS vol 5(3) (2008 Reissue) PARA 103) as the father of the child: SI 1987/2088 reg 9(4)(c) (added by SI 2003/3048).

See further 1953 Act s 10(1B) (added by Human Fertilisation and Embryology Act 2008 Sch 6 para 5(3)) (registration of second female parent where parents not civil partners).

SI 1987/2088 reg 9(4), Sch 2 Forms 2, 6A substituted; SI 1987/2089 Sch 2 Forms 2, 6A substituted: SI 2009/2165.

NOTE 7--SI 1987/2088 reg 9(5) substituted: SI 2009/2165.

NOTE 8--Definition of 'maiden surname' amended to include reference to civil partnerships: see SI 1987/2088 reg 2(1) (amended by SI 2009/2165). SI 1987/2088 reg 9(7) substituted: SI 2009/2165.

NOTE 9--SI 1987/2088 reg 9(8) substituted: SI 2009/2165.

NOTE 13--SI 1987/2088 reg 9(10) amended: SI 2006/2827.

NOTE 14--SI 1987/2088 reg 10(1) further amended: SI 2003/3048, SI 2009/2165.

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506. Particulars of stillbirths.

The prescribed¹ particulars required to be registered² for a stillbirth³ are:

- 12 (1) the date and place of birth⁴;
- 13 (2) the name and surname and sex of the child⁵;
- 14 (3) the cause of death and nature of the evidence that the child was stillborn⁶;
- 15 (4) the name and surname, place of birth and occupation of the father⁷;
- 16 (5) the name, surname, place of birth, occupation, maiden surname, surname at marriage if different from maiden surname and usual address (if different from place of child's birth) of the mother⁸;
- 17 (6) the name and surname (if not the mother or father), qualification and usual address (if different from place of child's birth) and signature of the informant⁹.

The registrar¹⁰ must enter the date on which the entry is made and must sign the entry, adding his official description¹¹.

1 For the meaning of 'prescribed' see PARA 504 note 6 ante. Particulars are prescribed in the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 2(2), Sch 2, Form 9 (substituted by SI 1994/1948) and, in relation to a stillbirth which occurred in Wales, the Registration of Births and Deaths (Welsh Language) Regulations 1987, SI 1987/2089, reg 2(a), Sch 2, Form 7 (respectively amended and substituted by SI 1992/1504; and SI 1995/818).

2 le by the Births and Deaths Registration Act 1953 s 1(1) (as amended): see PARA 540 post. As to stillbirths registered in Wales see note 1 supra.

3 For the meaning of 'stillbirth' see PARA 504 note 5 ante.

4 Registration of Births and Deaths Regulations 1987, SI 1987/2088, regs 2(2)(b), 31, Sch 2, Form 9, space 1(a) (Sch 2, Form 9 substituted by SI 1994/1948). Where a stillborn child is found exposed or a dead body is found, any reference to the date of the stillbirth is to be construed as a reference to the date on which the stillborn child was found; and any reference to the place where the stillbirth occurred is, if the place is unknown, to be construed as a reference to the place where the stillborn child was found: Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 2(3); and see the Registration of Births and Deaths (Welsh Language) Regulations 1987, SI 1987/2089, reg 1(3).

5 Registration of Births and Deaths Regulations 1987, SI 1987/2088, Sch 2, Form 9, spaces 1(b), 3 (as substituted: see note 4 supra).

6 Ibid Sch 2, Form 9, space 2 (as substituted: see note 4 supra). See further PARAS 549-550 post.

7 Ibid Sch 2, Form 9, spaces 4-6 (as substituted: see note 4 supra). As to signature by the father when the parents of the stillborn child are not married to each other see PARA 505 note 6 ante.

8 Ibid Sch 2, Form 9, spaces 7-10 (as substituted: see note 4 supra). For the meaning of 'maiden surname' see PARA 505 note 8 ante.

9 Ibid Sch 2, Form 9, spaces 11-14 (as substituted: see note 4 supra). For the persons qualified to give information concerning a stillbirth see PARA 547 post. As to verification and signature by the informant see PARA 505 notes 12-15 ante. Information may be given by means of a declaration made before any registrar, for onward transmission to the registrar for the sub-district in which the stillbirth occurred: see PARA 550 post.

10 For the meaning of 'registrar' see PARA 505 note 4 ante.

11 Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 10(2), Sch 2, Form 9, spaces 15, 16 (as substituted: see note 4 supra). Where an alleged stillbirth is reported by the registrar to the coroner (see reg 33 (as amended); and PARA 540 post) and no inquest is held, the registrar must register the stillbirth in the manner required by reg 35 (see PARA 540 post). For the manner and form of registration where an inquest is held see reg 36; and PARA 540 post; and as to the annotation of a previous entry in such a case see reg 37; and PARA 540 note 15 post.

UPDATE

506 Particulars of stillbirths

NOTES 1, 4--SI 1987/2088 Sch 2 Form 9 substituted; SI 1987/2089 Sch 2 Form 7 substituted: SI 2009/2165.

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507. Particulars of marriages.

The prescribed¹ particulars to be registered² for a marriage are:

- 18 (1) the place³;
- 19 (2) the date⁴;
- 20 (3) the name and surname⁵, age⁶, marital condition⁷, rank or profession⁸ and residence at the time of marriage of each of the parties⁹;
- 21 (4) the name and surname¹⁰ and rank or profession¹¹ of the father of each of the parties; and
- 22 (5) the attestation of the marriage in the appropriate form¹².

1 'Prescribed' means prescribed by regulations made under the Marriage Act 1949 s 74 (as amended): s 78(1); and see PARA 504 note 3 ante. In exercise of the power so conferred, the Registrar General has made the Registration of Marriages Regulations 1986, SI 1986/1442 (amended by SI 1987/2088; SI 1995/774; and SI 1996/2558; modified by SI 1986/1445); and, in relation to marriages in Wales, the Registration of Marriages (Welsh Language) Regulations 1986, SI 1986/1445 (amended by SI 1996/2558). See the text and notes 3-12 *infra*; and PARA 558 *et seq post*.

2 *Ie* pursuant to the Marriage Act 1949 s 55(1): see PARA 559 *post*.

3 Registration of Marriages Regulations 1986, SI 1986/1442, regs 2(2)(b), 10(1), 11(1), Sch 1, Form 13, Pt I. Where it appears to the registrar that he cannot enter the particulars required in any column in Sch 1, Form 13, Pt I he must draw a line in ink through that column: reg 11(5).

4 *Ibid* Sch 1, Form 13, Pt I, column 1.

5 *Ibid* Sch 1, Form 13, Pt I, column 2.

6 *Ibid* Sch 1, Form 13, Pt I, column 3.

7 *Ibid* Sch 1, Form 13, Pt I, column 4. As to the prescribed manner of entering particulars of the parties' marital condition see reg 11(2)(a)-(d).

8 *Ibid* Sch 1, Form 13, Pt I, column 5.

9 *Ibid* Sch 1, Form 13, Pt I, column 6. As to the entry to be made if either of the parties has moved into another district since the notice of marriage was given see reg 11(3).

10 *Ibid* Sch 1, Form 13, Pt I, column 7. If the father of either party to the marriage is deceased, that fact must be entered after the surname: see reg 11(4).

11 *Ibid* Sch 1, Form 13, Pt I, column 8.

12 *Ibid* Sch 1, Form 13, Pt II. See further PARA 559 *post*. In relation to any marriage solemnised in Wales, regs 10-12 have effect as if they referred not to Sch 1, Form 13 but to the Registration of Marriages (Welsh Language) Regulations 1986, SI 1986/1445, reg 6, Sch 1, Form 9: reg 6. Schedule 1, Form 9 must be completed in English and must also be completed in Welsh if the parties to the marriage so elect and provide the required particulars in both languages and the person who registers the marriage can understand and write Welsh: reg 7(1)(b). In the case of any discrepancy between an English text and a Welsh text so permitted, the English text prevails: reg 9.

UPDATE

507 Particulars of marriages

NOTE 1--SI 1986/1445 replaced: Registration of Marriages (Welsh Language) Regulations 1999, SI 1999/1621 (amended by SI 2000/3164, SI 2005/3177). SI 1986/1442 further amended: SI 2000/3164, SI 2005/155, SI 2007/2164.

NOTE 7--SI 1986/1442 reg 11(2) amended: SI 2005/3177.

NOTE 9--SI 1986/1442 reg 11(3) revoked: SI 2000/3164.

NOTE 10--As to the recording of a step-father's name see SI 1986/1442 reg 11(4A) (added by SI 2007/2164).

NOTE 12--SI 1986/1445 regs 6, 7(1)(b) replaced: SI 1999/1621 regs 6, 7(1)(b). SI 1986/1445 reg 9 not reproduced.

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508. Particulars of deaths.

The prescribed¹ particulars required to be registered² for a death are:

- 23 (1) the date and place of death³;
- 24 (2) the name and surname, sex and maiden surname of a woman who has been married⁴, date and place of birth⁵, occupation and usual address of the deceased person⁶;
- 25 (3) the name and surname, qualification and usual address of the informant⁷;
- 26 (4) the cause of death⁸;
- 27 (5) the signature of the informant⁹;
- 28 (6) the date of the registration¹⁰; and
- 29 (7) the signature of the registrar¹¹.

Upon registering any death, the registrar must give the informant a certificate stating that he has registered the death, unless he is satisfied that a coroner's order has been issued authorising disposal of the body. The registrar's certificate or coroner's order must be transmitted to the person effecting disposal of the body of the deceased person¹².

1 For the meaning of 'prescribed' see PARA 504 note 6 ante. Particulars are prescribed in the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 2(2), Sch 2, Form 13 and, in relation to deaths in Wales, the Registration of Births and Deaths (Welsh Language) Regulations 1987, SI 1987/2089, reg 2(a), Sch 2, Form 10 (reg 2(a) amended by SI 1992/1504). For the prescribed Welsh words see the Registration of Births and Deaths (Welsh Language) Regulations 1987, SI 1987/2089, reg 3, Sch 3 (as amended). For the particulars to be registered where the death takes place at sea see the Merchant Shipping (Returns of Births and Deaths) Regulations 1979, SI 1979/1577 (amended by SI 1991/1366); and SHIPPING AND MARITIME LAW vol 94 (2008) PARAS 654-655.

2 Ie by the Births and Deaths Registration Act 1953 s 15: see PARAS 561-562 post.

3 Registration of Births and Deaths Regulations 1987, SI 1987/2088, regs 2(2)(b), 39, Sch 2, Form 13, space 1. Where a child lived for less than 24 hours, the registrar must enter after the date of the child's death the word 'Aged ...', inserting the age in completed hours or, if less than one hour, in minutes: reg 42(2)(a). Where the date, but not the place, of death is known, the registrar must enter the date of death followed by the words 'Found dead ...', inserting the place where the body was found: reg 42(2)(b). Where the place, but not the date, of death is known the registrar must enter the words 'On or about ...', inserting the date on which the body was found followed by the place of death: reg 42(2)(c). Where both the date and place of death are unknown, the registrar must enter the words 'Deceased found on ...', inserting the date on which the body was found followed by the place where it was found: reg 42(2)(d). Where a dead body is found, any reference to the date of the death of the deceased person is to be construed as a reference to the date on which the deceased was found; and any reference to the place where the death occurred is, if the place is unknown, to be construed as a reference to the place where the deceased was found: reg 2(3); and see the Registration of Births and Deaths (Welsh Language) Regulations 1987, SI 1987/2089, reg 1(3).

4 Registration of Births and Deaths Regulations 1987, SI 1987/2088, Sch 2, Form 13, spaces 2-4. For the meaning of 'name' see PARA 505 note 6 ante; and for the meaning of 'maiden surname' see PARA 505 note 8 ante.

5 Ibid Sch 2, Form 13, space 5.

6 Ibid Sch 2, Form 13, space 6. Where the deceased was a child under the age of 16 years, the registrar must enter the words 'son [or daughter] of ...', inserting the name, surname and occupation of the father, if that information is given, and the name, surname and occupation of the mother preceded where appropriate by the word 'and' so however that if (1) the names and surnames of both parents are to be entered and the surname of the mother is different from that of the father; and (2) it is within the knowledge of the informant that the mother was known by the surname of the father at any time during the lifetime of the child, the registrar must enter in respect of the mother that surname followed by her name and surname as at the death of the child preceded by the word 'now' or, if the mother is deceased, the name and surname as at her death preceded by the word 'afterwards': reg 42(3)(a). Where the deceased was a married woman or widow, the registrar must, after her occupation enter the words 'Wife [or Widow] of ...', inserting the name, surname and occupation of her husband or deceased husband: reg 42(3)(b).

7 Ibid Sch 2, Form 13, space 7. For the persons qualified to give information concerning a death see PARAS 570-571 post.

8 Ibid Sch 2, Form 13, space 8. The registrar must enter the cause of death precisely as stated in the certificate of cause of death, followed by the words 'Certified by ...', inserting the name, surname and qualification of the registered medical practitioner who signed the certificate: reg 42(4). 'Name, surname and qualification', in relation to a registered medical practitioner who has issued a certificate of cause of death, means his name and surname as stated on the certificate and his registered professional qualification: reg 2(1). As to the meaning of 'registered medical practitioner' see MEDICAL PROFESSIONS vol 30(1) (Reissue) PARA 4. As to where the death is reported to the coroner and no inquest is held see reg 43 (as amended); and PARA 566 post. As to registration after an inquest or adjourned inquest see reg 45; and PARA 567 post.

9 Ibid Sch 2, Form 13, space 9. As to verification and signature by the informant see PARA 505 text and notes 13-15 ante. Information may be given by means of a declaration made before any registrar, for onward transmission to the registrar for the sub-district in which the death occurred: see PARA 573 post.

10 Ibid Sch 2, Form 13, space 10. As to where the death occurred more than 12 months previously see reg 47 (as amended); and PARA 568 post.

11 Ibid Sch 2, Form 13, space 11.

12 As to such certificates see ibid reg 49. See also PARA 575 post; and CREMATION AND BURIAL.

UPDATE

508 Particulars of deaths

TEXT AND NOTES--SI 1987/2088 Sch 2 Form 13 substituted: SI 2006/2827.

NOTE 1--SI 1987/2089 Sch 2 Form 10 further amended: SI 2006/2827. SI 1979/1577 further amended: SI 2009/1892.

NOTE 6--Heads (1), (2) now also include a reference the civil partner of the mother who is the child's other parent: see SI 1987/2088 regs 2(1), 43(3)(a) (amended by SI 2009/2165). Where the deceased was a married man or widower, the registrar must, after his occupation enter the words 'Husband [or Widower] of ...', inserting the name, surname and occupation of his wife or deceased wife: SI 1987/2088 reg 42(3)(ba) (reg 42(3)(ba), (bb) added by SI 2005/3177). Where the deceased was a civil partner or surviving civil partner, the registrar must, after his occupation enter the words 'Civil partner [or Surviving civil partner] of ...', inserting the name, surname and occupation of his civil partner or deceased civil partner: SI 1987/2088 reg 42(3)(bb) (as so added). The name, surname and occupation of adoptive parent(s) must also be entered in Sch 2 Form 13 space 6: reg 42(3)(bb) (added by SI 2009/2165).

NOTE 8--SI 1987/2088 reg 42(4) amended: SI 2006/2827.

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509. Particulars of adoptions.

In the adopted children register¹ must be entered only such entries as are directed to be made in it by adoption orders².

Every adoption order made by a court in England and Wales must contain a direction to the Registrar General³ to make an entry in the register in such form as the Registrar General may by regulations specify⁴. The particulars to be entered are:

- 30 (1) the date and country of birth of the child⁵;
- 31 (2) the name and surname of the child⁶;
- 32 (3) the sex of the child⁷;
- 33 (4) the name, surname, address and occupation of the adopter or adopters⁸;
- 34 (5) the date of the adoption order and description of the court which made it⁹;
- 35 (6) the date of the entry¹⁰; and
- 36 (7) the signature of the officer deputed by the Registrar General to attest the entry¹¹.

1 As to the adopted children register see CHILDREN AND YOUNG PERSONS vol 5(3) (2008 Reissue) PARA 383 et seq; and as to the adoption contact register see CHILDREN AND YOUNG PERSONS vol 5(3) (2008 Reissue) PARA 386 et seq.

2 Adoption Act 1976 s 50(1). The court has no power to edit an entry to be made in the register but may, in the exercise of its inherent jurisdiction, make an order restricting the disclosure of the details in the register: see *Re X (a minor) (Adoption Details; Disclosure)* [1994] Fam 174, [1994] 3 All ER 372, CA.

3 As to the Registrar General see PARAS 605-606 post.

4 Adoption Act 1976 Sch 1 para 1(1). As to the form of entry to be made in the adopted children register pursuant to an order see the Forms of Adoption Entry Regulations 1975, SI 1975/1959, reg 3(a), Sch 1; and for the bilingual form for use by courts sitting in Wales see reg 3(b), Sch 2. The Forms of Adoption Entry Regulations 1975, SI 1975/1959, now have effect under the Adoption Act 1976 s 67(1), (2), (6), Sch 1 para 1 and the Welsh Language Act 1993 s 26(3). The direction contained in a Convention adoption order must contain an instruction that the entry made in consequence of the order is to be marked with the words 'Convention Order': Adoption Act 1976 s 50(7), Sch 1 para 1(2). As to Convention adoption orders see CHILDREN AND YOUNG PERSONS vol 5(3) (2008 Reissue) PARA 490 et seq.

5 Forms of Adoption Entry Regulations 1975, SI 1975/1959, reg 3(a), Sch 1, space 2.

6 Ibid Sch 1, space 3.

7 Ibid Sch 1, space 4.

8 Ibid Sch 1, space 5.

9 Ibid Sch 1, space 6.

10 Ibid Sch 1, space 7.

11 Ibid Sch 1, space 8.

UPDATE

509 Particulars of adoptions

TEXT AND NOTES--1976 Act ss 50, 67, Sch 1 repealed: Adoption and Children Act 2002 Sch 5. SI 1975/1959 revoked: SI 2005/924.

As to registration of adoptions see now CHILDREN AND YOUNG PERSONS vol 5(3) (2008 Reissue) PARA 383 et seq.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/1. REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES/(2) THE REGISTERS/(i) Contents of the Registers/510. Particulars of parental orders.

510. Particulars of parental orders.

In the parental order register¹ must be made only such entries as are directed to be made in it by parental orders². Every parental order made by a court in England and Wales must contain a direction to the Registrar General³ to make an entry in the register in such form as the Registrar General may by regulations specify⁴. The particulars to be entered are:

- 37 (1) the date and place of birth⁵;
- 38 (2) the name, surname and sex of the child⁶;
- 39 (3) the name and surname, place of birth and occupation of the father⁷;
- 40 (4) the name, surname, place of birth, occupation, maiden surname, surname at marriage if different from maiden surname and usual address (if different from place of child's birth) of the mother⁸;
- 41 (5) the date of registration⁹; and
- 42 (6) the signature of the registering officer¹⁰.

1 As to this register see the Parental Orders (Human Fertilisation and Embryology) Regulations 1994, SI 1994/2767, reg 2, Sch 1 paras 4(a), 6, 8(a), applying the provisions of the Adoption Act 1976 s 50(1), Sch 1 para 1(1), with modifications, to parental orders: para 509 ante; and CHILDREN AND YOUNG PERSONS vol 5(3) (2008 Reissue) PARA 107.

2 Ie an order under the Human Fertilisation and Embryology Act 1990 s 30. A parental order provides for a child to be treated in law as the child of the parties to a marriage if (1) the child has been carried by a woman other than the wife as the result of the placing in her of an embryo or sperm and eggs or her artificial insemination; (2) the gametes of the husband or the wife, or both, were used to bring about the creation of the embryo; and (3) certain other conditions are satisfied: see CHILDREN AND YOUNG PERSONS vol 5(3) (2008 Reissue) PARA 106.

3 As to the Registrar General see PARAS 605-606 post.

4 See the Forms of Entry for Parental Orders Regulations 1994, SI 1994/2981, which prescribe a form in English for a court sitting in England (reg 2(a), Sch 1); and a bilingual form for use by a court sitting in Wales (reg 2(b), Sch 2).

5 Ibid Sch 1, space 1 (England); Sch 2, space 1 (Wales).

6 Ibid Sch 1, spaces 2, 3, Sch 2, spaces 2, 3.

7 Ibid Sch 1, spaces 4-6, Sch 2, spaces 4-6. As to the meaning of 'father' for these purposes see CHILDREN AND YOUNG PERSONS vol 5(3) (2008 Reissue) PARA 103.

8 Ibid Sch 1, spaces 7-10, Sch 2, spaces 7-10. As to the meaning of 'mother' for these purposes see CHILDREN AND YOUNG PERSONS vol 5(3) (2008 Reissue) PARA 102.

9 Ibid Sch 1, space 11, Sch 2, space 11.

10 Ibid Sch 1, space 12, Sch 2, space 12.

UPDATE

510 Particulars of parental orders

TEXT AND NOTES 3-10--SI 1994/2981 replaced: Parental Orders (Prescribed Particulars and Forms of Entry) Regulations 2010, SI 2010/1205, reg 3(a), Sch 1 (England), reg 3(b), Sch 2 (Wales).

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(ii) Corrections and Alterations

A. REGISTERS OF BIRTHS AND DEATHS

511. Clerical errors.

No alteration may be made in any register of live births¹, stillbirths² or deaths³ except as authorised⁴ by statute⁵.

Any clerical error which may from time to time be discovered in any such register may be corrected in the prescribed⁶ manner and subject to the prescribed conditions by any person authorised in that behalf by the Registrar General⁷.

1 For the meaning of 'birth' see PARA 504 note 5 ante; and as to the contents of the register of live births see PARA 505 ante.

2 For the meaning of 'stillbirth' see PARA 504 note 5 ante; and as to the contents of the register of stillbirths see PARA 506 ante.

3 As to the contents of the register of deaths see PARA 508 ante.

4 Ie by the Births and Deaths Registration Act 1953 or any other Act: Births and Deaths Registration Act 1953 s 29(1). For provision as to the marking of entries of births in the case of an adoption order see the Adoption Act 1976 s 50(7), Sch 1, PARAS 1(3), 3.

5 Births and Deaths Registration Act 1953 s 29(1).

6 For the meaning of 'prescribed' see PARA 504 note 6 ante.

7 Births and Deaths Registration Act 1953 s 29(2); and see PARA 512 et seq post. As to the alteration of the name of a child after registration see PARA 544 post. As to the reregistration of births of legitimated persons see PARAS 552-556 post. Any clerical error in any entry made before 1 April 1969 must be corrected as if the Registration of Births and Deaths Regulations 1987, SI 1987/2088 (as amended) had not been made: reg 60.

UPDATE

511 Clerical errors

NOTE 7--SI 1987/2088 reg 60 revoked: SI 2006/2827.

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Corrections and Alterations/A. REGISTERS OF BIRTHS AND DEATHS/512. Correction of clerical errors before completion of an entry.

512. Correction of clerical errors before completion of an entry.

Where a registrar¹ is required² to correct an error in an entry of a birth or death before the completion of the entry³, he must make the correction in the following manner:

- 43 (1) if a word is incorrect, he must strike it out by a line drawn through it, but so that the word remains legible, and must write the correct word above it;
- 44 (2) if in any group of figures one or more is incorrect, he must strike out all the figures by a line drawn through them, but so that they remain legible, and must write the correct figures above them;
- 45 (3) if a word has been omitted, he must place a caret where the omission occurs and above the caret he must write the omitted word, except that if there is sufficient space he must write the word where the omission occurs and underline it;
- 46 (4) all such corrected errors must be numbered consecutively from the beginning of the register starting with 'one', and on making such a correction in the body of the entry the registrar must repeat the number in words in the margin of the entry and add his initials;
- 47 (5) if the particulars required to be entered in any two spaces have been inadvertently transposed, the registrar must, without any other correction, write in the margin of the entry a note of the error in the prescribed form⁴, inserting the numbers of the spaces and adding his initials⁵.

If it appears that an error has been made in the informant's signature⁶, the informant must make the correction and the registrar must number the error and make an entry in the margin as provided in head (4) above⁷.

1 For the meaning of 'registrar' see PARA 505 note 4 ante.

2 Ie under the Registration of Births and Deaths Regulations 1987, SI 1987/2088 (as amended): see the text and notes 3-7 infra; and PARAS 513-518 post.

3 For these purposes, an entry of a birth or death made by a registrar is deemed to have been completed when the registrar has signed the entry and added his official description: *ibid* reg 53. 'Entry' means a record of the particulars relating to a live birth, stillbirth or death completed by the registrar in the appropriate spaces in the relevant form: see reg 2(1).

4 See *ibid* reg 54(1)(e).

5 *Ibid* reg 54(1).

6 As to the informant's signature see PARA 505 note 15 ante.

7 Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 54(2).

UPDATE

512 Correction of clerical errors before completion of an entry

NOTES--SI 1987/2088 reg 54(1), (2) amended: SI 2006/2827.

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513. Correction of clerical errors in completed entries.

Where it appears or is represented to the superintendent registrar¹ or the registrar that in any completed entry made on or after 1 April 1969 in a register of live births, stillbirths or deaths in his custody there is any specified clerical error² he must, subject to certain exceptions³, correct the error in whichever prescribed manner⁴ is appropriate⁵. Where, however, the clerical error relates to an entry required to be made by any of certain provisions relating to reregistration⁶, the superintendent registrar or the registrar concerned must send a report to the Registrar General enclosing a copy of the entry, and correct the entry as directed by the Registrar General⁷.

Where it appears or is represented to the superintendent registrar or the registrar that there is any specified clerical error made on the information of a qualified informant⁸, in a completed entry made on or after 1 April 1969, in a register of live births in his custody, he must correct the error (1) in the presence of that informant and, where the register is in the custody of the registrar, of the superintendent registrar; and (2) in whichever prescribed manner⁹ is appropriate¹⁰. Where, however, the clerical error relates to an entry required to be made by any of certain provisions relating to reregistration¹¹, the superintendent registrar or the registrar concerned must send a report to the Registrar General enclosing a copy of the entry, and correct the entry as directed by the Registrar General¹².

Where it appears or is represented to a superintendent registrar or a registrar that in a completed entry made on or after 1 April 1969, on the information of a qualified informant, in a register of live births, stillbirths or deaths in his custody, there is any other clerical error¹³, he must send a report to the Registrar General and must include with his report:

- 48 (a) such evidence as the Registrar General may require for the purpose of verifying the facts;
- 49 (b) the name and surname of the qualified informant (if any) who will be available to witness correction of the error; and
- 50 (c) a copy of the entry¹⁴.

On receiving the authority of the Registrar General, the superintendent registrar or the registrar concerned must correct the error in whichever prescribed manner¹⁵ is appropriate, in the presence of the qualified informant specified in the authority of the Registrar General¹⁶.

1 For the meaning of 'superintendent registrar' see PARA 505 note 15 ante.

2 The clerical errors to which these provisions apply are:

- 1 (1) any error (a) in spelling any word which is not the name or surname of any person; or (b) consisting of the misplacement or incorrect repetition of any such word, made on entering the particulars other than by copying from a document specified in head (6) infra;
- 2 (2) the incorrect statement or omission (a) in the date of registration, of the day or the month (but not both) provided it is evident from the preceding and succeeding entries which day or month should have been inserted; (b) of the year of the birth or death to which an entry relates or of the year of registration (but not of both);
- 3 (3) the omission of all the words required to be added (a) in space 14 of a birth entry, by the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 10(1)(b)(ii), (iii) or (iv), reg

13(4)(b), reg 17(2)(b)(i), (ii) or (iii) or reg 34A(4)(c) (as added); or (b) in space 15 of a birth entry, by reg 17(2)(c) or (4)(c), reg 20(3)(c) (as amended) or reg 22(d);

- 4 (4) the omission of any of the words (including the date) required to be added, following the entry of a name in space 17 of a birth entry, by reg 14(2)(a) or (b);
- 5 (5) the omission of (a) any of the words required to be entered, in space 8 of a death entry, by reg 42(4); (b) any of the words required to be entered, in space 8 of a death entry, by reg 43(2); (c) any of the words required to be entered, in space 7 of a death entry, by reg 45(b)(i); (d) any of the words required to be entered, in space 7 of a death entry, by reg 45(b)(ii);
- 6 (6) any error in copying any particulars required to be copied from (a) a declaration made in accordance with regs 13, 34A (as added) or 42A (as added); (b) a certificate of name given in baptism, or a certificate of name given other than in baptism, delivered in pursuance of the Births and Deaths Registration Act 1953 s 13(1); (c) a certificate of cause of death; (d) a doctor's or midwife's certificate of stillbirth; (e) a coroner's notification after post-mortem without inquest; or (f) a coroner's certificate after inquest;
- 7 (7) any error, in space 14 of a birth entry, in copying the date of a statutory declaration as required by the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 10(1)(b) (ii) or (iii) or reg 17(2)(b)(i) or (ii),

and the references in heads (1)-(7) supra to provisions of the Registration of Births and Deaths Regulations 1987, SI 1987/2088 (as amended), include any corresponding provision of regulations revoked by them: reg 55(2) (amended by SI 1989/497; and SI 1997/844).

3 See the text and notes 6-7 infra.

4 Ie as provided in PARA 512 heads (1)-(3) or (5) ante.

5 Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 55(1). As to the manner of making the correction see reg 55(3).

6 Ie by any of ibid regs 20, 22, 23 and 26A (as added) which is not an error to which note 2 head (3)(b) supra applies: see PARAS 554, 557 post.

7 Ibid reg 55(4) (amended by SI 1988/638; and SI 1997/1533). The functions of the Registrar General in giving directions under the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 55(4) (as so amended) in relation to clerical entries relating to an entry required to be made by regs 20, 22 and 23 may, however, be exercised by, or by employees of, such person, if any, as may be authorised in that behalf by the Registrar General: see the Contracting Out (functions of the Registrar General in relation to authorising reregistration of births) Order 1997, SI 1997/962, art 2(1), (2)(b)(iv), (3). As to the Registrar General see PARA 605 et seq post.

8 As to qualified informants see PARAS 547, 570-571 post. The specified clerical errors are, in relation to a live birth entry (see the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 2(2)(b), Sch 2, Form 1 (as substituted); and PARA 505 ante):

- 8 (1) in space 1, in the date or place of birth, but not both, provided the correct place of birth is within the sub-district where the birth was registered and the correct date of birth is within three months of the date of registration;
- 9 (2) in space 5, in the father's place of birth;
- 10 (3) in space 6, in the father's occupation;
- 11 (4) in space 8a, in the mother's place of birth and in space 8b, in the mother's occupation;
- 12 (5) in space 10, in the mother's usual address;
- 13 (6) in space 12, in the qualification of the informant, unless neither the father nor the mother, provided the identity of the informant is clear from the signature in space 14 and this is consistent with the information in space 4 or space 7;
- 14 (7) in space 13, in the usual address of informant;

and in a death entry (see Sch 2, Form 13):

- 15 (a) in space 1, in the date or place of death, but not both, provided the corrected place of death is within the sub-district in which the death was registered and the corrected date of death is within 12 months of the date of registration;
- 16 (b) in space 3, consisting of the omission of the sex of the deceased provided the sex as corrected is consistent with the name of the deceased in space 2;
- 17 (c) in space 4, in the deceased's maiden surname;
- 18 (d) in space 5, consisting of the incorrect statement or omission of one, but not both, of the date or place of birth but, in the case of an incorrect statement of the former only if the date is not corrected by more than one year;
- 19 (e) in space 6, consisting of the incorrect statement or omission of the occupation of the deceased or of the deceased's husband or parents or of the usual address of the deceased or of the omission of the words 'son [or daughter] of ' and of the names and surnames of the deceased's parents;
- 20 (f) in space 7(a), in the informant's name or surname provided this is consistent with the signature in space 9;
- 21 (g) in space 7(c), in the informant's usual address;

but these provisions apply only where the qualified informant on whose information the original entry was made attends to witness the correction: reg 56(3), (4) (reg 56(3) amended by SI 1989/497; and SI 1994/1948).

9 See note 4 *supra*.

10 Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 56(1). As to the manner of making the correction see reg 56(2).

11 See note 6 *supra*.

12 Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 56(5) (added by SI 1988/638). The functions of the Registrar General under the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 56(5) (as so added) in giving directions in relation to clerical entries relating to an entry required to be made by regs 20, 22 and 23 may, however, be exercised by, or by employees of, such person, if any, as may be authorised in that behalf by the Registrar General: Contracting Out (functions of the Registrar General in relation to authorising reregistration of births) Order 1997, SI 1997/962, art 2(1), (2)(b)(v), (3).

13 Ie other than one to which the Registration of Births and Deaths Regulations 1987, SI 1987/2088, regs 55, 56 or 59(2) (correction of error on coroner's certificate: see PARA 514 post) applies: reg 57(1) (amended by SI 1988/638).

14 Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 57(1).

15 See note 6 *supra*.

16 Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 57(2). As to the manner of making the correction see reg 57(3). Provision is also made for the correction of the entry where no qualified informant is available to witness the correction: see reg 57(4).

UPDATE

513 Correction of clerical errors in completed entries

TEXT AND NOTES 1-5--SI 1987/2088 reg 55(1) amended: SI 2006/2827.

NOTE 2--SI 1987/2088 reg 55(2) further amended: SI 2006/2827, SI 2009/2165.

NOTE 5--SI 1987/2088 reg 55(3) substituted: SI 2006/2827.

TEXT AND NOTES 6, 7--SI 1987/2088 reg 55(4) revoked: SI 2006/2827.

TEXT AND NOTES 8-10--SI 1987/2088 reg 56(1) substituted: SI 2006/2827.

NOTE 8--SI 1987/2088 reg 56(3) further amended: SI 2005/3177, SI 2006/2827, SI 2009/2165. SI 1987/2088 reg 56(4) revoked: SI 2006/2827.

TEXT AND NOTES 11, 12--SI 1987/2088 reg 56(5) revoked: SI 2006/2827.

TEXT AND NOTES 13, 14--SI 1987/2088 reg 57(1) amended: SI 2006/2827.

NOTE 16--SI 1987/2088 reg 57(2) amended, reg 57(3), (4) substituted: SI 2006/2827.

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514. Correction of clerical errors in particular cases.

The correction of clerical errors in the service departments register¹ may be provided for by Order in Council².

Where the superintendent registrar³ or the registrar having the custody of a register containing an entry made in pursuance of a coroner's certificate after inquest⁴ receives notification from the coroner of a clerical error in the certificate in respect of any entry made on or after 1 April 1969, he must send a report to the Registrar General⁵, enclosing a copy of the entry and of the coroner's certificate and notification relating to the entry⁶. The superintendent registrar or the registrar must correct the error in whichever prescribed manner⁷ is appropriate, and must write in the margin of the entry a note in the prescribed form⁸. He must then complete and sign the note in the places provided⁹.

Where an error requires to be corrected in an entry in a register of births or deaths kept in Wales, the marginal note required to be made must be entered in English if the error occurs in particulars entered in English and in Welsh if the error occurs in particulars entered in Welsh¹⁰.

1 For the meaning of 'the service departments registers' see PARA 585 post.

2 Registration of Births, Deaths and Marriages (Special Provisions) Act 1957 s 3(3); and see the Service Departments Registers Order 1959, SI 1959/406, art 5 (amended by SI 1988/1295). See also PARAS 585 et seq, 604 post.

3 For the meaning of 'superintendent registrar' see PARA 505 note 15 ante.

4 As to registration after inquest see PARA 567 post. 'Coroner' includes a deputy coroner and an assistant deputy coroner; 'description', in relation to a coroner, means his official designation and the area of his jurisdiction; and 'inquest' includes an inquest which has been adjourned, whether or not the inquest is subsequently resumed: Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 2(1).

5 As to the Registrar General see PARA 605 et seq post.

6 Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 59(1)(a).

7 Ie as provided in PARA 512 heads (1)-(3) or (5) ante.

8 Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 59(2). The prescribed form of words is: 'Error in ... corrected on ... by me ... Superintendent Registrar [or Registrar] on receipt of notification from the Coroner': reg 59(2).

9 Ibid reg 59(2).

10 See the Registration of Births and Deaths (Welsh Language) Regulations 1987, SI 1987/2089, reg 7.

UPDATE

514 Correction of clerical errors in particular cases

NOTE 2--SI 1959/406 art 5 further amended: SI 2002/3122.

TEXT AND NOTE 6--SI 1987/2088 reg 59(1)(a) amended: SI 2006/2827.

TEXT AND NOTES 7-9--SI 1987/2088 reg 59(2) substituted: SI 2006/2827.

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515. Errors of fact or substance.

No alteration may be made in any register of live births¹, stillbirths² or deaths³ except as authorised⁴ by statute⁵.

Any error of fact or substance in any such register may be corrected⁶ by the officer who has custody of the register making an entry in the margin without any alteration of the original entry⁷, upon production to him, by the person requiring the error to be corrected, of a statutory declaration setting forth the nature of the error and the true facts⁸. Where it appears or is represented to a superintendent registrar⁹ or a registrar¹⁰ that there is such an error in a completed entry in a register of live births, stillbirths or deaths in his custody¹¹, he must first send a report to the Registrar General giving such information as the Registrar General¹² may require and enclosing a copy of the entry¹³. He must comply with any instructions which the Registrar General may give for the purpose of verifying the facts of the case and ascertaining whether there are available two persons qualified to make the required statutory declaration¹⁴.

Errors of fact or substance in the service departments registers¹⁵ may be corrected in a similar manner¹⁶.

Where an error of fact or substance, other than an error relating to the cause of death, occurs in the information given by a coroner's certificate concerning a death touching which he has held an inquest, or such an error relating to the cause of death occurs in the information given by a coroner's certificate¹⁷ in the case of an inquest which was adjourned to allow for the conclusion of criminal proceedings relating to the death¹⁸ but was subsequently resumed, then the coroner, if satisfied by evidence on oath or statutory declaration that such an error exists, may certify under his hand to the officer having the custody of the register in which the information is entered the nature of the error and the true facts of the case as ascertained by him on that evidence¹⁹. The error may thereupon be corrected by that officer in the register by entering in the margin, without alteration of the original entry, the facts as so certified by the coroner²⁰. Where the superintendent registrar or the registrar having the custody of a register containing an entry made in pursuance of a coroner's certificate after inquest receives a certificate relating to that entry given by the coroner as to an error of fact or substance in the certificate after inquest and as to the true facts of the case, he must send a report to the Registrar General, enclosing a copy of the entry and of the coroner's certificates relating to the entry²¹. The superintendent registrar or the registrar must correct the error by underlining the erroneous matter in the entry and writing in the margin of the entry a note in the prescribed form²². He must then complete and sign the note in the places provided²³.

Where an error requires to be corrected in an entry in a register of births or deaths kept in Wales, the marginal note required to be made must be entered in English if the error occurs in particulars entered in English and in Welsh if the error occurs in particulars entered in Welsh²⁴.

1 For the meaning of 'birth' see PARA 504 note 5 ante; and as to the contents of the register of live births see PARA 505 ante.

2 For the meaning of 'stillbirth' see PARA 504 note 5 ante; and as to the contents of the register of stillbirths see PARA 506 ante.

3 As to the contents of the register of deaths see PARA 508 ante.

4 Ie by the Births and Deaths Registration Act 1953 or any other Act: Births and Deaths Registration Act 1953 s 29(1). For provision as to the marking of entries of births in the case of an adoption order see the Adoption Act 1976 s 50(7), Sch 1 paras 1(3), 3. The Registrar General is entitled to refuse to alter the birth entry of a person who has undergone gender reassignment surgery. In the light of the current state of knowledge of the causes of transsexualism, it has been held that is not unreasonable for him to take the view that no error of fact or substance was made in recording the sex of the child at birth: see *R v Registrar General for England and Wales, ex p P and G* [1996] 2 FCR 588, DC.

5 Births and Deaths Registration Act 1953 s 29(1).

6 As to the manner of making the correction see the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 58(2). Any clerical error in any entry made before 1 April 1969 must be corrected as if those Regulations had not been made: reg 60.

7 However, the erroneous matter in the entry must be underlined: see *ibid* reg 58(2)(a).

8 Births and Deaths Registration Act 1953 s 29(3) (amended by the Registration of Births, Deaths and Marriages (Fees) Order 1968, SI 1968/1242, art 4(1), Sch 2 (revoked)). The declaration must be made by two qualified informants of the birth or death with reference to which the error has been made, or, in default of such persons, by two credible persons having knowledge of the truth of the case: Births and Deaths Registration Act 1953 s 29(3). As to qualified informants see PARAS 547, 570-571 post.

9 For the meaning of 'superintendent registrar' see PARA 505 note 15 ante.

10 For the meaning of 'registrar' see PARA 505 note 4 ante.

11 Ie other than an entry to which the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 59 applies (coroner's certificate): see the text and notes 21-23 *infra*. As to when an entry is deemed to be completed see PARA 512 note 3 ante.

12 As to the Registrar General see PARAS 605-606 post.

13 Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 58(1)(a).

14 *Ibid* reg 58(1)(b).

15 For the meaning of 'the service departments registers' see PARA 585 post.

16 See the Registration of Births, Deaths and Marriages (Special Provisions) Act 1957 s 3(3); and PARA 588 post.

17 Ie a certificate issued under the Coroners Act 1988 s 16(4): see CORONERS vol 9(2) (2006 Reissue) PARA 1001.

18 Ie in compliance with *ibid* s 16(1) (as amended): see CORONERS vol 9(2) (2006 Reissue) PARA 1001.

19 Births and Deaths Registration Act 1953 s 29(4) (amended by the Coroners Act 1988 s 36(1), Sch 3 para 5).

20 Births and Deaths Registration Act 1953 s 29(4) (as amended: see note 19 *supra*).

21 Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 59(1)(b).

22 Ibid reg 59(3). The marginal note must read: 'In No ... in ... for ... read ... Corrected on ... by me ... Superintendent Registrar [or Registrar] on the authority of a certificate from the Coroner': reg 59(3).

23 Ibid reg 59(3).

24 See the Registration of Births and Deaths (Welsh Language) Regulations 1987, SI 1987/2089, reg 7.

UPDATE

515 Errors of fact or substance

NOTE 4--See Application 28957/95 *Goodwin v United Kingdom* (2002) 13 BHRC 120, ECtHR; Application 25680/94 *I v United Kingdom* [2002] 2 FCR 613, ECtHR (post-operative transsexual entitled to legal recognition of gender-reassignment under the European Convention on Human Rights art 8). See further Gender Recognition Act 2004 s 10, Sch 3 (consequences of issue of gender recognition certificate) (amended by the Legislative and Regulatory Reform Act 2006 Schedule) and CONSTITUTIONAL LAW AND HUMAN RIGHTS.

TEXT AND NOTES 6-8--Where, in an entry in a register of live-births, still-births or deaths, a person is wrongly shown as (1) the father of the person to whose birth or death the entry relates; or (2) a parent of that person (having been so registered on the basis of being such a parent by virtue of the Human Fertilisation and Embryology Act 2008 s 42, 43 or 46(1) or (2)), the declaration may be made (a) in default of two qualified informants, by one qualified informant of the birth or death to which the entry relates; (b) in default of any qualified informant, by one credible person having knowledge of the truth of the case: 1953 Act s 29A(1), (2) (s 29A added by the Deregulation (Correction of Birth and Death Entries in Registers or Other Records) Order 2002, SI 2002/1419; amended by Human Fertilisation and Embryology Act 2008 Sch 6 para 10). Such a statutory declaration must be accompanied by documentary evidence of a finding that the person shown as the father was not the father or, as the case may be, that the person shown as the parent was not such a parent by virtue of the Human Fertilisation and Embryology Act 2008 s 42, 43 or 46(1) or (2): 1953 Act s 29A(3) (s 29A as so added and amended). If it appears to the officer having custody of the register that the only evidence on which the finding was made was that of the person making the statutory declaration, he may correct the error only if satisfied that another person, who is either a qualified informant or a credible person having knowledge of the truth of the case, has, whether before or since the making of the declaration, confirmed the material facts stated in the declaration: s 29A(4), (5) (s 29A as so added). 'Finding' means a finding made expressly in judicial proceedings in the United Kingdom or elsewhere: s 29A(6) (s 29A as so added).

NOTE 7--SI 1987/2088 reg 58(2)(a) revoked: SI 2006/2827.

TEXT AND NOTES 22, 23--SI 1987/2088 reg 59(3) amended: SI 2006/2827.

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516. Copy of corrected or annotated entry to be sent to Registrar General.

Where a superintendent registrar¹ or a registrar² makes any correction or annotation to a completed entry³ in a register of live births, stillbirths or deaths⁴, whether by marginal note or otherwise, he must, within seven days, make and send to the Registrar General⁵ a copy of the entry as corrected or annotated (or both), including a copy of any marginal note, certified by:

- 51 (1) the registrar, if the register containing the entry is in his custody (and head (2) below does not apply); or
- 52 (2) the registrar and the superintendent registrar, if the register containing the entry is in the custody of the registrar and a quarterly copy of the entry⁶ has been certified; or
- 53 (3) the superintendent registrar, where the register containing that entry is in his custody, together, in any case where a birth is reregistered⁷, with a copy of the new entry, certified by the registrar who made that entry⁸.

These provisions apply in relation to a correction or annotation made by a registrar in relation to a minor clerical error⁹ only if the correction or annotation is made after the registrar has certified¹⁰ a true copy of the original entry¹¹.

Where a registrar has reregistered a birth¹² and the previous entry is in a register in the custody of a superintendent registrar, the registrar must within seven days of the reregistration provide the superintendent registrar with a certified copy of the new entry¹³.

1 For the meaning of 'superintendent registrar' see PARA 505 note 15 ante.

2 For the meaning of 'registrar' see PARA 505 note 4 ante.

3 As to when an entry is completed see PARA 512 note 3 ante.

4 As to such corrections see PARAS 511-515 ante. For the meaning of 'birth' and 'stillbirth' see PARA 504 note 5 ante.

5 As to the Registrar General see PARAS 605-606 post.

6 As to quarterly copies see PARA 618 post.

7 Ie under the Births and Deaths Registration Act 1953 s 10A (as added): see PARA 556 post.

8 Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 61(1).

9 Ie a correction or annotation made under ibid regs 55, 56 (as amended): see PARA 513 ante.

10 Ie pursuant to the Births and Deaths Registration Act 1953 s 26(1)(a) (quarterly returns): see PARA 618 post.

11 Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 61(2).

12 Ie under either the Births and Deaths Registration Act 1953 s 10A (as added) or s 14(1) or s 14A (as added): see PARAS 556-557 post.

13 Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 61(3) (amended by SI 1988/638).

UPDATE

516 Copy of corrected or annotated entry to be sent to Registrar General

TEXT AND NOTES--Where the information in a completed entry in a register of live-births, still-births or deaths exists in an electronic form approved by the Registrar General under the Births and Deaths Registration Act 1953, then the information in a correction or annotation made under SI 1987/2088 reg 61(1) must be incorporated into the

information in that electronic form after the correction or annotation has been made: reg 61(4) (added by SI 2006/2827).

TEXT AND NOTE 8--SI 1987/2088 reg 61(1) amended: SI 2006/2827.

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B. ADOPTED CHILDREN REGISTER AND PARENTAL ORDER REGISTER

517. Errors in the adopted children register.

The court by which an adoption order was made may, on the application of the adopter or the adopted person, amend the order by the correction of any of the particulars which it contains¹. Where an adoption order is amended or a direction for the marking of an entry in the register of births² or the adopted children register³ is revoked, the prescribed officer of the court⁴ must cause the amendment to be communicated in the prescribed manner to the Registrar General⁵ who must cause the entry in the adopted children register to be amended accordingly or cause the marking in the register of births or the adopted children register to be cancelled⁶.

If he is satisfied that a Convention adoption order⁷ or an overseas adoption has ceased to have effect⁸ or that an entry or mark was erroneously made in the register of births or the adopted children register, the Registrar General may cause such alterations to be made in any such register as he considers are required in consequence of the cesser or to correct the error⁹.

1 Adoption Act 1976 s 50(7), Sch 1 para 4(1).

2 For the circumstances in which the Registrar General may be directed to mark the register of births with the word 'Adopted' see *ibid* Sch 1 paras 1(3), 3; and CHILDREN AND YOUNG PERSONS vol 5(3) (2008 Reissue) PARA 368.

3 For the circumstances in which the Registrar General may be directed to mark the adopted children register with the word 'Re-adopted' see *ibid* Sch 1 paras 1(4), 3; and CHILDREN AND YOUNG PERSONS vol 5(3) (2008 Reissue) PARA 368.

4 As to the prescribed officer of the court see CHILDREN AND YOUNG PERSONS vol 5(3) (2008 Reissue) PARA 368.

5 As to the Registrar General see PARAS 605-606 *post*.

6 Adoption Act 1976 Sch 1 para 4(2). Where an adoption order is quashed or an appeal against an adoption order is allowed by any court, it must give directions to the Registrar General to cancel any entry or any marking of an entry in the adopted children register, or any marking of an entry in the register of births, effected in pursuance of the original order: Sch 1 para 4(3). For the entries to be made in the births register by a superintendent registrar or registrar when an adoption order is revoked or quashed see the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 27(1)(b). As to the revocation of an adoption order by the court which made it see CHILDREN AND YOUNG PERSONS vol 5(3) (2008 Reissue) PARA 339. The prescribed officer of the court must cause the revocation to be communicated in the prescribed manner to the Registrar General, who must cause to be cancelled both the entry in the adopted children register and the marking 'Adopted' in the registers of births; and a copy or extract of an entry in the register is deemed to be an accurate copy if and only if the marking and the cancellation are omitted from such copy or extract: Adoption Act 1976 Sch 1 para 6 (amended by the Domestic Proceedings and Magistrates' Courts Act 1978 ss 74(4), 89(2)(b), Sch 3). Where an adoption order has been amended, any certified copy of the relevant entry in the adopted children register must be a copy of the entry as amended without the reproduction of any note or marking relating to the amendment or any matter cancelled; and a copy or extract of an entry in the register the marking of which has been cancelled is deemed to be an accurate copy if and only if both the marking and the cancellation are omitted from such copy or extract: Adoption Act 1976 Sch 1 para 4(4). In relation to an adopted child, in the

Births and Deaths Registration Act 1953 'father' or 'mother' means a child's natural father or mother: s 41 (definitions added by the Children Act 1975 s 108(1)(a), Sch 3 para 13(6)).

7 As to Convention adoption orders see CHILDREN AND YOUNG PERSONS vol 5(3) (2008 Reissue) PARA 490 et seq.

8 le whether on annulment or otherwise: Adoption Act 1976 Sch 1 para 4(5)(a).

9 Ibid Sch 1 para 4(5).

UPDATE

517 Errors in the adopted children register

TEXT AND NOTE 7--As from a day to be appointed, refers to a Convention adoption or a Convention adoption order: 1976 Act Sch 1 para 4(5)(a), amended by Adoption (Intercountry Aspects) Act 1999 s 12(4).

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/1. REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES/(2) THE REGISTERS/(ii) Corrections and Alterations/B. ADOPTED CHILDREN REGISTER AND PARENTAL ORDER REGISTER/518. Errors in the parental order register.

518. Errors in the parental order register.

The court by which a parental order¹ was made may, on the application of the husband or wife named in the order or the person who is the subject of the order, amend the order by the correction of any of the particulars which it contains². Where a parental order is amended or a direction for the marking of an entry in the register of births³ or the parental order register⁴ is revoked, the prescribed officer of the court⁵ must cause the amendment to be communicated in the prescribed manner to the Registrar General⁶ who must cause the entry in the parental order register to be amended accordingly or cause the marking in the register of births or the parental order register to be cancelled⁷.

1 le an order under the Human Fertilisation and Embryology Act 1990 s 30: see CHILDREN AND YOUNG PERSONS vol 5(3) (2008 Reissue) PARA 106.

2 Adoption Act 1976 s 50(7), Sch 1 para 4(1), applied with modifications by the Parental Orders (Human Fertilisation and Embryology) Regulations 1994, SI 1994/2767, reg 2, Sch 1 paras 4(a), 8(c).

3 For the circumstances in which the Registrar General may be directed to mark the register of births with the words 'Reregistered by the Registrar General' see the Adoption Act 1976 s 50(7), Sch 1 para 1(3), applied with modifications by the Parental Orders (Human Fertilisation and Embryology) Regulations 1994, SI 1994/2767, reg 2, Sch 1 paras 4(a), 8(a).

4 As to the parental order register see PARA 510 ante; and CHILDREN AND YOUNG PERSONS vol 5(3) (2008 Reissue) PARA 107.

5 As to the prescribed officer of the court see CHILDREN AND YOUNG PERSONS vol 5(3) (2008 Reissue) PARA 368.

6 As to the Registrar General see PARAS 605-606 post.

7 Adoption Act 1976 Sch 1 para 4(2), applied with modifications by the Parental Orders (Human Fertilisation and Embryology) Regulations 1994, SI 1994/2767, Sch 1 para 8(c). Where a parental order is quashed or an appeal against a parental order is allowed by any court, it must give directions to the Registrar General to cancel any entry or any marking of an entry in the parental order register, or any marking of an entry in the register of births, effected in pursuance of the original order: Adoption Act 1976 Sch 1 para 4(3) (as so modified and applied).

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/1. REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES/(2) THE REGISTERS/(ii) Corrections and Alterations/C. MARRIAGE REGISTERS/519. Errors in marriage registers.

C. MARRIAGE REGISTERS

519. Errors in marriage registers.

Any person required to register a marriage¹ who discovers an error in the form or substance of an entry made in a marriage register book kept by him is not liable to any penalty by reason only that within one month² after discovery of the error he corrects the erroneous entry in the presence of the parties to the marriage to which the entry relates or, in the case of death or absence of either of those parties, in the presence of the superintendent registrar³ and two other credible witnesses by entry in the margin of the register book, without any alteration of the original entry⁴.

Where it appears or is represented to the superintendent registrar or the registrar that there is in a completed entry⁵ in a marriage register book in his custody an error to which the above provisions relate, he must send a report to the Registrar General⁶ giving such information as the Registrar General may require, together with a copy of the entry, and must comply with any instruction which the Registrar General may give for the purpose of verifying the facts of the case and of ascertaining whether the parties or witnesses would be available to witness the correction of the entry⁷.

Where a registrar makes any correction or annotation to a completed entry in a marriage register book he must within seven days make and send to the Registrar General a copy of that entry as corrected or annotated (or both) including a copy of any marginal note, certified by:

- 54 (1) the registrar, if the marriage register book containing that entry is in his custody (and head (2) below does not apply); or
- 55 (2) the registrar and the superintendent registrar, if the marriage register book containing that entry is in the custody of the registrar and a quarterly copy of the entry has been certified⁸; or
- 56 (3) the superintendent registrar, if the marriage register book containing that entry is in his custody⁹.

These provisions have been held not to cover a situation where a party wishes to strike out an entry altogether or to make a note in the margin that the marriage was void¹⁰.

Where an error or omission is corrected in an entry in a marriage register book kept in Wales, the correction must be made in English if the error or omission occurs in particulars entered in English and in Welsh if the error or omission occurs in particulars entered in Welsh¹¹.

1 For the persons required to register a marriage see PARA 558 post.

2 I.e. one calendar month: Interpretation Act 1978 s 5, Sch 1.

3 Where a marriage to which an erroneous entry in a marriage register relates has been solemnised according to the rites of the Church of England or the Church in Wales and either of the parties to the marriage is dead or absent, the reference to the superintendent registrar and two other credible witnesses is construed as a reference either to those persons or to the churchwardens or chapelwardens of the church or chapel in which the marriage was solemnised: Marriage Act 1949 ss 61(5), 71(2). For the meaning of 'superintendent registrar' see PARA 505 note 15 ante.

4 Ibid s 61(1). The marginal entry must be signed by the person making the entry and attested by the persons in whose presence the entry is required to be made, and the person making the entry must add the date when it is made: s 61(2). Where a marriage must be registered in duplicate (see PARA 559 post), the duplicate marriage register book must be altered in the like manner: see s 61(3). Any person who makes any such marginal entry must make the like entry in the certified copy of the register book required to be made by him or, if a certified copy has already been delivered to the superintendent registrar, must make and deliver to him a separate certified copy of the original erroneous entry and of the marginal correction made therein: s 61(4).

5 For these purposes, an entry of marriage made by a registrar is deemed to have been completed when the registrar has signed the entry and has added his official description: Registration of Marriages Regulations 1986, SI 1986/1442, reg 14. As to corrections of errors before the entry is complete see reg 15; and PARA 559 post.

6 As to the Registrar General see PARAS 605-606 post.

7 Registration of Marriages Regulations 1986, SI 1986/1442, reg 16.

8 As to certification of quarterly copies see PARA 618 post.

9 Registration of Marriages Regulations 1986, SI 1986/1442, reg 17.

10 See *Dinizulu v A-G and Registrar-General* [1958] 3 All ER 555, [1958] 1 WLR 1252 (mandamus will not be granted against the Registrar General by a party to a bigamous ceremony of marriage to correct or erase the entry in the register of marriages).

11 Registration of Marriages (Welsh Language) Regulations 1986, SI 1986/1445, reg 8.

UPDATE

519 Errors in marriage registers

NOTE 11--SI 1986/1445 reg 8 now Registration of Marriages (Welsh Language) Regulations 1999, SI 1999/1621, reg 8.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/1. REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES/(3) CUSTODY OF REGISTERS/520. Unfilled books.

(3) CUSTODY OF REGISTERS

520. Unfilled books.

Every registrar of births and deaths must keep safely all registers in his custody and, when not in use, they must be kept in the register box¹ provided for the purpose by the Registrar General². Every incumbent³, registering officer of the Society of Friends⁴, secretary of a synagogue⁵, authorised person⁶ and registrar must keep marriage register books safely until they are filled and, when not in use, any register book kept by a registrar must be kept in the register box provided for the purpose by the Registrar General⁷. Where, however, a clergyman is required to register the marriage of a housebound or detained person in the marriage register books of a church or chapel of which he is not the incumbent⁸, the incumbent may give the books into his custody at a convenient time before the marriage is solemnised and he must keep them safely and return them to the custody of the incumbent as soon as is reasonably practicable⁹.

1 As to the provision of register boxes see PARA 607 note 10 post.

2 Births and Deaths Registration Act 1953 s 28(1).

3 'Incumbent' means the rector, vicar or curate in charge of every church and chapel in which marriages may be solemnised according to the rites of the Church of England or the Church in Wales: Marriage Act 1949 ss 54(1), 67, 78(2); and see ECCLESIASTICAL LAW.

4 'Registering officer of the Society of Friends' means a person whom the recording clerk of the Society of Friends certifies in writing under his hand to the Registrar General to be a registering officer in England of that society: *ibid* s 67. See generally ECCLESIASTICAL LAW. As to the Registrar General see PARAS 605-606 post.

5 'Secretary of a synagogue' means (1) a person whom the President of the London Committee of Deputies of the British Jews certifies in writing to the Registrar General to be the secretary of a synagogue in England of persons professing the Jewish religion; (2) the person whom 20 householders professing the Jewish religion and being members of the West London Synagogue of British Jews certify in writing to the Registrar General to be the secretary of that synagogue; (3) the person whom 20 householders professing the Jewish religion and being members of the Liberal Jewish Synagogue, St John's Wood, certify in writing to the Registrar General to be the secretary of that synagogue; (4) a person whom the secretary of either the West London Synagogue of British Jews or the Liberal Jewish Synagogue, St John's Wood, certifies in writing to be the secretary of some other synagogue of not less than 20 householders professing the Jewish religion, being a synagogue which is connected with the said West London Synagogue or with the said Liberal Jewish Synagogue, St John's Wood, as the case may be, and has been established for not less than one year: *ibid* s 67 (definition amended by the Marriage (Secretaries of Synagogues) Act 1959 s 1). See generally ECCLESIASTICAL LAW.

6 As to authorised persons see MATRIMONIAL AND CIVIL PARTNERSHIP LAW vol 72 (2009) PARA 107. Register books kept by authorised persons must be kept in accordance with any regulations made under the Marriage Act 1949 s 74 (as amended): see s 59; the Marriage (Authorised Persons) Regulations 1952, SI 1952/1869, reg 8; and MATRIMONIAL AND CIVIL PARTNERSHIP LAW vol 72 (2009) PARA 107.

7 Marriage Act 1949 s 59 (amended by the Registration Service Act 1953 s 23(2), Sch 2; and the Marriage Act 1983 s 1(7), Sch 1 para 18). As to the custody of marriage register books for a registered building see MATRIMONIAL AND CIVIL PARTNERSHIP LAW vol 72 (2009) PARA 109. As to the penalty for loss of or injury to a register see PARA 528 post.

8 *le* by virtue of the Marriage Act 1949 s 55(4) (added by the Marriage Act 1983 Sch 1 para 17): see PARA 559 post.

9 Marriage Act 1949 s 55(5) (added by the Marriage Act 1983 Sch 1 para 17).

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/1. REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES/(3) CUSTODY OF REGISTERS/521. Filled books.

521. Filled books.

Where a register book is filled, the registrar must deliver it to the superintendent registrar¹ to be kept by him with the records of his office², except for registers of stillbirths, which must be forwarded to the Registrar General³.

Where a marriage register book required to be kept in duplicate⁴ is filled, one copy must be delivered to the superintendent registrar⁵ and the other copy, if the register book is kept by an incumbent⁶, must remain in the incumbent's custody⁷. Where a register book is kept by a registering officer of the Society of Friends⁸ or by the secretary of a synagogue⁹, the other copy must remain in the custody of the members of the Society of Friends or of persons professing the Jewish religion as the case may be¹⁰. Where a register book is kept by an authorised person¹¹ the other copy must be kept in prescribed¹² custody¹³.

1 For the meaning of 'superintendent registrar' see PARA 505 note 15 ante.

2 Marriage Act 1949 s 60(2); Births and Deaths Registration Act 1953 s 28(2). When any registrar or superintendent registrar ceases to hold office all register boxes, keys, books and documents in his possession

as holder of that office must be transferred to his successor in office or to such person as the Registrar General designates: Registration Service Act 1953 s 15(1); and see PARA 615 post. As to the Registrar General see PARAS 605-606 post.

3 Births and Deaths Registration Act 1953 s 28(3). Registers so forwarded to the Registrar General must be kept in the General Register Office in such order and manner as the Registrar General thinks fit, subject to any directions of the Chancellor of the Exchequer: s 28(4) (amended by virtue of the Transfer of Functions (Registration and Statistics) Order 1996, SI 1996/273, arts 3(1), 5(1), Sch 1 para 8, Sch 2 para 12). Where a filled register of stillbirths has been so forwarded to the Registrar General, he may destroy any certified copies of entries therein previously sent to him: Births and Deaths Registration Act 1953 s 28(4) proviso.

4 See PARA 559 post.

5 Marriage Act 1949 s 60(1).

6 For the meaning of 'incumbent' see PARA 520 note 3 ante.

7 Marriage Act 1949 s 60(1)(a). The register book must be kept by the incumbent with the registers of baptisms and burials of the parish or other ecclesiastical district in which the marriages registered there have been solemnised: s 60(1)(a); and see ECCLESIASTICAL LAW. See also the Parochial Registers and Records Measure 1978 s 6. As to the disposal of marriage register books where the church or chapel ceases to be used for the solemnisation of marriages see ECCLESIASTICAL LAW.

8 For the meaning of 'registering officer of the Society of Friends' see PARA 520 note 4 ante.

9 For the meaning of 'secretary of a synagogue' see PARA 520 note 5 ante.

10 Marriage Act 1949 s 60(1)(b). The registers are deemed to be in the keeping of the registering officer or secretary for the time being, as the case may be: s 60(1)(b).

11 As to authorised persons see MATRIMONIAL AND CIVIL PARTNERSHIP LAW vol 72 (2009) PARA 107. See also PARA 520 note 6 ante.

12 For the meaning of 'prescribed' for these purposes see PARA 504 note 3 ante.

13 Marriage Act 1949 s 60(1)(c); and see the Marriage (Authorised Persons) Regulations 1952, SI 1952/1869, reg 8; and MATRIMONIAL AND CIVIL PARTNERSHIP LAW vol 72 (2009) PARA 107.

UPDATE

521 Filled books

NOTE 2--Words 'or to such ... designates' omitted: Registration Service Act 1953 s 15(1) (amended by Statistics and Registration Service Act 2007 s 70(4), Sch 4 Pt 2).

NOTE 3--Reference to the Chancellor of the Exchequer is now to the Secretary of State: Births and Deaths Registration Act 1953 s 28(4) (amended by SI 2008/678).

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/1. REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES/(4) SEARCHES AND CERTIFICATES/522. Searches at the General Register Office.

(4) SEARCHES AND CERTIFICATES

522. Searches at the General Register Office.

The Registrar General must cause indexes of all certified copies of entries in the registers sent to him under the statutory provisions relating to registration of births, deaths and marriages¹ to be made and kept in the General Register Office². The Registrar General must also cause

indexes to be made and kept in the General Register Office of the entries in the register of births of abandoned children³, of the adopted children register⁴ and of the parental order register⁵. Any person is entitled to search the indexes at the General Register Office⁶ at any time when it is open for that purpose and on payment of the respective fees⁷ to have a certified, or, in certain cases, an authenticated⁸ copy of any entry in the registers and records in the custody of the Registrar General⁹, and every such certified copy must be sealed or stamped with the seal of the General Register Office¹⁰.

These provisions do not apply to certified copies of entries in the registers of stillbirths¹¹, but the Registrar General may, if he sees fit in a particular case and on payment of the appropriate fee, cause a search to be made for, and allow any person to have a certified copy of, any entry in any such certified copies or in any filled register of stillbirths which has been forwarded to him¹².

The Registrar General must also keep such other registers and books, and make such entries in them, as may be necessary to record and make traceable the connection between any entry in the registers of births which has been marked 'Adopted' or marked 'Reregistered by the Registrar General'¹³ and any corresponding entry in the adopted children register or the parental order register¹⁴, but those registers and books are not open to public inspection¹⁵.

1 See PARA 607 post. As to the Registrar General see PARAS 605-606 post.

2 Marriage Act 1949 s 65(1); Births and Deaths Registration Act 1953 s 30(1). Section 30(1) applies to: (1) certified copies and further certified copies of entries of births and deaths required to be sent to the Registrar General by virtue of the Registration of Overseas Births and Deaths Regulations 1982, SI 1982/1123 (as amended) (see the Registration (Entries of Overseas Births and Deaths) Order 1982, SI 1982/1526, art 2(1), (2), Sch 1 Pts I, II, Sch 2 Pt I; and see further PARA 592 et seq post); (2) the air register book of births and deaths (see the Civil Aviation Act 1982 s 83(8) as extended by the Hovercraft (Application of Enactments) Order 1972, SI 1972/971; see also the Civil Aviation (Births, Deaths and Missing Persons) Regulations 1948, SI 1948/1411 (amended by SI 1972/323); and the Hovercraft (Births, Deaths and Missing Persons) Regulations 1972, SI 1972/1513); and (3) the marine register (see the Merchant Shipping Act 1995 s 108; and the Merchant Shipping (Returns of Births and Deaths) Regulations 1979, SI 1979/1577 (amended by SI 1991/1366)).

3 Births and Deaths Registration Act 1953 s 30(1A) (added by the Children Act 1975 s 108(1)(a), Sch 3 para 13(4)).

4 See the Adoption Act 1976 s 50(1); and CHILDREN AND YOUNG PERSONS vol 5(3) (2008 Reissue) PARA 383-385.

5 See *ibid* s 50(1) (s 50 modified by the Parental Orders (Human Fertilisation and Embryology) Regulations 1994, SI 1994/2767, reg 2, Sch 1 para 4(a)).

6 Ie except the index to the parental order register, in relation to which the Registrar General must either cause a search to be made of that index on behalf of any person or may permit that person to search the index himself: see the Adoption Act 1976 s 50(3) (as modified: see note 5 *supra*). The public search room of the General Register Office is situated at the Family Records Centre, 1 Myddelton Street, London EC1R 1UW.

7 For the prescribed fee for every certified copy as at 1 April 1998 see the Registration of Births, Deaths and Marriages (Fees) Order 1997, SI 1997/2939, art 2, Schedule.

Provision is made for certificates issued for certain purposes to be provided at a reduced fee: see (1) the Savings Banks Act 1887 s 10 (certificates required for the purposes of the Acts relating to the National Savings Bank and the Government Annuities Acts 1829 to 1882) (the Savings Banks Act 1887 s 10 amended by, *inter alia*, the Post Office Act 1969 s 94, Sch 6 Pt III; and the Trustee Savings Banks Act 1985 ss 4(3), 7(3), Sch 4; applied by the Savings Certificates Regulations 1991, SI 1991/1031, reg 26; and the Premium Savings Bonds Regulations 1972, SI 1972/765, reg 25); (2) the Factories Act 1961 s 178(1) (as amended) (certificates required to prove the age of a person for the purposes of that Act, which is now largely repealed: see generally HEALTH AND SAFETY AT WORK vol 52 (2009) PARA 391); (3) the Social Security Administration Act 1992 s 124(3) (certificates required to prove age, marriage or death for the purposes of certain social security enactments: see PARA 526 post); and (4) the Education Act 1996 s 564(1) (certificates required to prove age for the purposes of that Act or Acts relating to the employment of children and young persons). For the prescribed fee in these cases, as at 1 April 1998, see the Registration of Births, Deaths and Marriages (Fees) Order 1997, SI 1997/2939, Schedule. The prescribed fee for a short certificate of birth obtained from the Registrar General is, at 1 April 1998, £6.50 if the certificate is compiled from an entry in the registers of live births and £5.00 in other cases: see art 2, Schedule. As to short certificates of birth see PARA 525 post.

The sums received by or on behalf of the Registrar General under the Registration Acts (as to which see PARA 501 note 3 ante) otherwise than under the Registration Service Act 1953 s 4(1) (which relates to the Registrar General's salary: see PARA 605 note 6 post), must be accounted for by him and paid by him, at such times as the Treasury directs, into the Exchequer: s 4(2).

8 See PARA 525 note 1 post.

9 Marriage Act 1949 s 65(2); Births and Deaths Registration Act 1953 s 30(2) (both amended by the Registration of Births, Deaths and Marriages (Fees) Order 1968, SI 1968/1242, art 4(1), Sch 2; and the Registration of Births, Deaths and Marriages (Fees) Order 1997, SI 1997/2939, Schedule; the Marriage Act 1949 s 65(2) also amended by the Registration Service Act 1953 s 23(1), Sch 1). A short certificate of birth may be obtained on payment of the prescribed fee: Births and Deaths Registration Act 1953 s 33(1). For the prescribed fee as at 1 April 1998 see the Registration of Births, Deaths and Marriages (Fees) Order 1997, SI 1997/2939, Schedule. The Births and Deaths Registration Act 1953 s 30(2) (as so amended) applies to certified copies and further certified copies of entries of births and deaths required to be sent to the Registrar General by virtue of the Registration of Overseas Births and Deaths Regulations 1982, SI 1982/1123 (as amended): see the Registration (Entries of Overseas Births and Deaths) Order 1982, SI 1982/1526, arts 2(1), (2), Sch 1 Pts I, II, Sch 2 Pt I; and see further note 2 supra; and PARA 592 et seq post.

10 Marriage Act 1949 s 65(3); Births and Deaths Registration Act 1953 s 34(6). A certified copy purporting to be sealed or stamped is receivable as evidence of the marriage (Marriage Act 1949 s 65(3)) or the birth or death (Births and Deaths Registration Act 1953 s 34(6)). Section 34(6) applies to certified copies and further certified copies of entries of births and deaths required to be sent to the Registrar General by virtue of the Registration of Overseas Births and Deaths Regulations 1982, SI 1982/1123 (as amended): see the Registration (Entries of Overseas Births and Deaths) Order 1982, SI 1982/1526, art 2(1), (2), Sch 1 Pts I, II, Sch 2 Pt I; and see further note 2 supra; and PARA 592 et seq post. It also applies to certified copies of entries of births or deaths so required to be issued or provided other than to or by the Registrar General, with the modification that the words from the beginning to 'this section', from 'purporting to be' to 'seal' and from 'and no certified copy' to the end are omitted: see art 2(3), Sch 1 Pt III, Sch 2 Pt I. As to the admissibility of certificates as evidence see further CIVIL PROCEDURE vol 11 (2009) PARAS 896-897; and see also *Jackson v Jackson and Pavan* [1964] P 25, [1960] 3 All ER 621. As to certified copies of entries in the adopted children register being evidence of adoption see CHILDREN AND YOUNG PERSONS vol 5(3) (2008 Reissue) PARA 383. As to proof of marriage in bigamy and in similar criminal offences see CRIMINAL LAW, EVIDENCE AND PROCEDURE vol 11(2) (2006 Reissue) PARA 832.

11 For the meaning of 'stillbirth' see PARA 504 note 5 ante.

12 Births and Deaths Registration Act 1953 s 30(3).

13 le under the Adoption Act 1976 Sch 1 para 1(3), as modified in relation to parental orders by the Parental Orders (Human Fertilisation and Embryology) Regulations 1994, SI 1994/2767: see notes 5-6 supra, 14-15 infra; and PARA 510 ante.

14 See the Adoption Act 1976 s 50(4) (as modified, in relation to parental orders: see note 5 supra); and CHILDREN AND YOUNG PERSONS vol 5(3) (2008 Reissue) PARA 385.

15 The Registrar General may not furnish any person with any information contained in or with any copy or extract from these registers and books except (1) under s 51 (as amended) (disclosure of birth records to an adopted person who has reached the age of 18); or (2) under a court order: see s 50(5) (as modified, in relation to parental orders: see note 5 supra); and CHILDREN AND YOUNG PERSONS vol 5(3) (2008 Reissue) PARA 385. It was held in *Re L (Adoption: Disclosure of Information)* [1998] Fam 19, sub nom *D v Registrar General* [1997] 1 FLR 715, CA, that the court should only exercise its discretion to order disclosure in truly exceptional circumstances; it is necessary for the applicant to establish a reason for needing to know the information sought, which goes beyond an emotional desire in any birth relative to obtain information about an adopted adult. See also *Re H (Adoption: Disclosure of Information)* [1995] 1 FCR 546, [1995] 1 FLR 236, which was considered in *Re L (Adoption: Disclosure of Information)* supra.

UPDATE

522 Searches at the General Register Office

NOTES--Certain functions under provisions mentioned in this paragraph are 'relevant functions' for the purposes of the Regulatory Enforcement and Sanctions Act 2008 s 4, Sch 3, see LOCAL GOVERNMENT vol 69 (2009) PARA 733. Certain persons or indorsements mentioned in this paragraph are specified for the purposes of Regulatory Enforcement

and Sanctions Act 2008 s 37, Schs 5, 6 (meaning of 'regulator' for the purposes of imposing civil sanctions): see ADMINISTRATIVE LAW vol 1(1) (2001 Reissue) PARA 196A.

TEXT AND NOTES 1-12--1953 Act s 30 modified to permit the electronic communication and storage of copies of entries in the registers of birth and deaths: Registration of Births and Deaths (Electronic Communications and Electronic Storage) Order 2006, SI 2006/2809.

NOTE 2--SI 1948/1411 and SI 1979/1577 further amended and SI 1972/1513 amended: SI 2009/1892.

NOTES 7-9--SI 1997/2939 replaced; the prescribed fee for a certificate from a registrar is now £3.50 and £7 in other cases: see Registration of Births, Deaths and Marriages (Fees) Order 2002, SI 2002/3076, art 2, Schedule.

NOTE 7--SI 1991/1031 reg 26 and SI 1972/765 reg 25 amended: SI 2005/2114.

See also Savings Banks Act 1887 s 10A (added by SI 2005/3129) (civil partnership certificates).

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/1. REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES/(4) SEARCHES AND CERTIFICATES/523. Searches of indexes kept by superintendent registrars.

523. Searches of indexes kept by superintendent registrars.

Every superintendent registrar¹ must cause indexes of the registers of marriages, live births and deaths to be made and kept with the other records of his office². Any person is entitled on payment of the respective fees³ to search the indexes kept by a superintendent registrar at any time when his register office is required to be open for the transaction of public business and to have a certified copy under the hand of the superintendent registrar of any entry in the registers⁴.

1 For the meaning of 'superintendent registrar' see PARA 505 note 15 ante.

2 Marriage Act 1949 s 64(1); Births and Deaths Registration Act 1953 s 31(1). The Registrar General must supply to every superintendent registrar forms for making such indexes: Marriage Act 1949 s 64(1); Births and Deaths Registration Act 1953 s 31(1).

3 For the prescribed fees for a general search of an index kept by a superintendent registrar and for every certified copy, as at 1 April 1998, see the Marriage Act 1949 s 64(2)(a), (c); and the Births and Deaths Registration Act 1953 s 31(2) (both amended by the Registration of Births, Deaths and Marriages (Fees) Order 1997, SI 1997/2939, art 2, Schedule). As to reduced fees in certain circumstances see PARA 522 note 7 ante.

4 Marriage Act 1949 s 64(2); Births and Deaths Registration Act 1953 s 31(2) (both as amended: see note 2 supra; further amended by the Registration of Births, Deaths and Marriages (Fees) Order 1968, SI 1968/1242, art 4(1), Sch 2; the Marriage Act 1949 s 64(2) amended by the Registration Service Act 1953 s 23(1), Sch 1). The registers do not include the registers of stillbirths: see the Births and Deaths Registration Act 1953 s 31(1). A short certificate of live births may be obtained on payment of the prescribed fee: see the Births and Deaths Registration Act 1953 s 33(1); and the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 63(1).

For the prescribed fee, as at 1 April 1998, for a short certificate of birth obtained from a superintendent registrar see the Registration of Births, Deaths and Marriages (Fees) Order 1997, SI 1997/2939, Schedule. As to short certificates of birth see PARA 525 post.

Where a person wishes to make an application to a registrar of marriages for a certificate of marriage for the purposes of the Savings Bank Act 1887 s 10 (as amended), the registrar must on request provide that person without charge with a form of application supplied by the Registrar General: Registration of Marriages Regulations 1986, SI 1986/1442, reg 19. Where a person wishes to make an application for a certificate of a live

birth or death where the Savings Banks Act 1887 s 10 (as amended) applies or the Friendly Societies Act 1974 s 106(1) (repealed) applied, the superintendent registrar or the registrar having custody of the register must on request provide that person without charge with an approved form: Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 67(1), (2) (amended by SI 1989/497).

UPDATE

523 Searches of indexes kept by superintendent registrars

NOTES 3, 4--SI 1997/2939 now replaced by Registration of Births, Deaths and Marriages (Fees) Order 2002, SI 2002/3076.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/1. REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES/(4) SEARCHES AND CERTIFICATES/524. Searches at a registrar's office.

524. Searches at a registrar's office.

Every registrar¹ must, at any time when his office is required to be open for the transaction of public business², allow searches to be made in any register of live births or deaths and register of marriages in his keeping and must on payment of the proper fee³ give a certified copy under his hand of any entry in them⁴. The right of the public to search the registers of births and deaths cannot be taken away by the Registrar General under his power to make regulations⁵.

1 For the meaning of 'registrar' see PARA 505 note 4 ante; and as to persons required to register marriages see PARA 558 post.

2 Searches under the Marriage Act 1949 s 63 must be allowed at all reasonable hours: s 63(1). What is a reasonable hour is a question of fact, which must depend on the circumstances of the particular case: see eg *Small v Bickley* (1875) 32 LT 726.

3 No fee is payable for searches in registers of births, deaths and marriages kept under the Marriage Act 1949 and the Births and Deaths Registration Act 1953, the power to charge such a fee having been repealed by the Registration of Births, Deaths and Marriages (Fees) Order 1968, SI 1968/1242, art 4(1), Sch 2. For the prescribed fees, as at 1 April 1998, for (1) a certified copy of an entry issued under the Marriage Act 1949 s 63(1) (a) when application is made at the time of registering or to a registrar and (b) in other cases; and (2) a certified copy of an entry in registers kept by registrars, see the Registration of Births, Deaths and Marriages (Fees) Order 1997, SI 1997/2939, art 2, Schedule. There is no fee for a short certificate of birth obtained at the time of registration, or if more than one is obtained, the first of them. For the prescribed fee, as at 1 April 1998, for any other short certificate of birth obtained from a registrar see art 2, Schedule. As to short certificates of birth see PARA 525 post.

4 See the Marriage Act 1949 s 63(1), (2); and the Births and Deaths Registration Act 1953 s 32 (both amended by the Registration of Births, Deaths and Marriages (Fees) Order 1968, SI 1968/1242, art 4(1), Sch 2; and the Registration of Births, Deaths and Marriages (Fees) Order 1997, SI 1997/2939, Schedule). See also, in relation to the registers of baptisms and burials, the Parochial Registers and Records Measure 1978 s 20(1); the Ecclesiastical Fees Measure 1986 s 2; the Parochial Fees Order 1997, SI 1997/1891, arts 1, 2, Schedule; and ECCLESIASTICAL LAW; MATRIMONIAL AND CIVIL PARTNERSHIP LAW. Searches in and copies from the register of stillbirths are not allowed except where the registrar with the consent of the Registrar General in any particular case allows: Births and Deaths Registration Act 1953 s 32 proviso. As to short certificates of live births see PARA 525 post. For the meaning of 'stillbirth' see PARA 504 note 5 ante.

5 *Best v Best and McKinley* [1920] P 75. There is authority for saying that the right to search includes the right to make extracts as distinct from the right to obtain certified copies on payment of the appropriate fee: see *Steele v Williams* (1853) 8 Exch 625; but see *Re Balaghât Gold Mining Co* [1901] 2 KB 665, CA.

UPDATE

524 Searches at a registrar's office

NOTES 3, 4--SI 1997/2939 now replaced by Registration of Births, Deaths and Marriages (Fees) Order 2002, SI 2002/3076.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/1. REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES/(4) SEARCHES AND CERTIFICATES/525. Certified copies and short certificates of birth.

525. Certified copies and short certificates of birth.

A certified copy is a copy certified under the hand of the person lawfully holding the register to be an accurate copy of an entry in a register legally in his custody, or a copy certified under the seal of the Registrar General to be an accurate copy of an entry in a register or in the certified copies in his custody¹.

A short certificate of the birth of any person may be obtained from the Registrar General, a superintendent registrar² or a registrar, on payment of the prescribed fee³ and on furnishing the prescribed particulars⁴. The certificate must be in the prescribed form and must be compiled in the prescribed manner from the records and registers in the custody of the Registrar General⁵, or from the registers in the custody of a superintendent registrar or registrar⁶. A short certificate of birth may not include any particulars relating to parentage or adoption⁷.

The provisions relating to short certificates of birth do not apply in relation to stillbirths⁸. The particulars to be furnished on an application for a short certificate of the birth of any person are:

- 57 (1) where that person has been adopted and the certificate is to be in respect of him as an adopted person, his name⁹ and surname, the date of his birth, the name and surname of his adopter or, as the case may be, his adopters, and the date upon which, and the name of the court by which, the adoption order was made¹⁰;
- 58 (2) in any other case, his name and surname, the date of his birth, the name and surname of his father, the name, surname and maiden surname¹¹ of his mother, and the place of his birth or the place at which his birth was registered¹².

These particulars need not, however, be given if the application is made at the time of registering the birth and any particulars may be omitted which, in the opinion of the person to whom the application is made, it is not reasonably practicable for the applicant to furnish¹³.

A short certificate of birth must be compiled in accordance with the following provisions¹⁴. In the case of a certificate issued by a superintendent registrar or registrar:

- 59 (a) opposite the words 'Name and Surname' there must be entered, where the name and surname are recorded in the birth entry, that name and surname¹⁵ or, where the person's name but not his surname is recorded in the entry, that name¹⁶ followed immediately, if the entry contains a surname which appears from the entry to have been used by his father or his mother at or after the date of birth, by that surname;
- 60 (b) opposite the words 'Sex' and 'Date of Birth' respectively there must be inserted the relevant particulars from the birth entry;
- 61 (c) opposite the words 'Place of Birth' there must be inserted the names of the registration district and sub-district in which the birth was registered, so however

that if the place of birth is not recorded in the birth entry, the superintendent registrar or registrar must remit the application to the Registrar General¹⁷.

In the case of a certificate issued by the Registrar General¹⁸:

- 62 (i) opposite the words 'Name and Surname' there must be entered, where the name and surname are recorded in the entry, that name and surname, or, where the person's name but not his surname is recorded in the entry, that name followed immediately by either:
 - 1
 1. (A) if the entry contains a surname which appears from the entry to have been used by his father or his mother at or after the date of birth, that surname; or
 2. (B) if the entry contains the surname of his adopter or (as the case may be) his adopters, and the applicant so requests, that surname;
- 2
- 63 (ii) opposite the word 'Sex' there must be entered the relevant particulars contained in the birth entry;
- 64 (iii) opposite the words 'Date of Birth' there must be entered the date of birth recorded in the birth entry or, if no date is recorded, such date (if any) as may appear to the Registrar General from the information recorded in the birth entry to be the probable date of birth;
- 65 (iv) opposite the words 'Place of Birth' there must be entered such (if any) of the following particulars as may be appropriate:
 - 3
 3. (A) where the register or other record containing the birth entry includes particulars of the registration district and sub-district in which the birth occurred or in which the birth is treated under any enactment as having occurred, the names of that registration district and sub-district;
 4. (B) where the birth is recorded as having occurred on a British ship¹⁹, the words 'At Sea' followed by the name of the ship on which the birth occurred;
 5. (C) where the birth is recorded as having occurred in an aircraft, the words 'In an aircraft' followed by the particulars of the place of birth in the birth entry;
 6. (D) in any other case where the birth entry contains particulars as to the place of birth, those particulars;
 7. (E) where the birth entry contains no particulars as to the place of birth, such particulars (if any) as to the country of birth as the Registrar General is satisfied can be obtained from any register or record in his custody²⁰.
- 4

Special provision is made for the form of short certificate of birth in the case of persons who were children admitted to the Foundling Hospital before 30 January 1948 and given, on admission, names and surnames different from those recorded on registration of their births²¹.

1 As to the provisions by which copies may be made see PARAS 522-524 ante, 526 post. As to stillbirths see the Births and Deaths Registration Act 1953 ss 30(3), 32 proviso; and PARAS 522, 524 ante. As to the need for sealing and admissibility as evidence see PARA 522 note 10 ante; and CIVIL PROCEDURE vol 11 (2009) PARAS 906-907. Certified copies which are to be delivered to the Registrar General or a superintendent registrar (eg quarterly copies and copies of corrected entries: see PARAS 516 ante, 618 post) may be sent by post: Marriage Act 1949 s 66; Births and Deaths Registration Act 1953 s 40.

Where a certified copy of an entry in a register of live births, stillbirths or deaths containing English only, or in a certified copy of such a register, is made on a form containing both English and Welsh but the particulars in the original entry and those entered in the certified copy of that entry do not differ in any other respect the certified copy must be treated as a true copy of the original entry: Registration of Births and Deaths (Welsh Language) Regulations 1987, SI 1987/2089, reg 10. Where a certified copy of an entry in a marriage register book containing English only, or in a certified copy of such a book, is made on a form containing both English and

Welsh but the particulars in the original entry and those entered in the certified copy of that entry do not differ in any other respect, the certified copy must be treated as a true copy of the original entry: Registration of Marriages (Welsh Language) Regulations 1986, SI 1986/1445, reg 10.

Where a certified copy of an entry of birth relating to an adopted person is given pursuant to the Births and Deaths Registration Act 1953 ss 30(2), 31(2) or 32 (as amended) and the entry has been marked with the word 'Adopted' or the words 'proposed foreign adoption' pursuant to the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 27(1)(a), then if the marking has not been struck through pursuant to reg 27(1)(b) (see PARA 517 ante), the certified copy must include a copy of the marking: reg 28. As to certified copies of reregistered entries of births of legitimated persons see PARA 555 post.

As to penalties for forging or falsifying certificates or certified copies for purposes of the Births and Deaths Registration Act 1953 see PARA 531 post.

2 For the meaning of 'superintendent registrar' see PARA 505 note 15 ante.

3 For the prescribed fees as at 1 April 1998 see the Registration of Births, Deaths and Marriages (Fees) Order 1997, SI 1997/2939, art 2, Schedule; and see also PARAS 522 note 9, 523 note 4, 524 note 3 ante.

4 See the Births and Deaths Registration Act 1953 s 33(1).

5 I.e. certified copies of entries in the registers of live births; the adopted children register; records of overseas births; the air register book of births and deaths; and the marine register: see PARA 522 note 2 ante.

6 Births and Deaths Registration Act 1953 s 33(2). The registers referred to are registers of live births.

7 Ibid s 33(2) proviso.

8 Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 63(1). For the meaning of 'stillbirth' see PARA 504 note 5 ante.

9 For the meaning of 'name' see PARA 505 note 6 ante.

10 Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 63(2)(a). See also reg 28; and note 1 supra.

11 For the meaning of 'maiden surname' see PARA 505 note 8 ante.

12 Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 63(2)(b).

13 Ibid reg 63(3).

14 Ibid reg 65(1).

15 I.e. being, in a case where these are recorded in both ibid reg 2(2)(b), Sch 2, Form 1, spaces 2 and 17 (as substituted), the name and surname recorded in Sch 2, Form 1, space 17 (as substituted): reg 65(2)(a)(i).

16 I.e. being, in a case where this is recorded in both columns 2 and 10 of the entry, the name recorded in column 10: ibid reg 65(2)(a)(ii).

17 Ibid reg 65(2). For the prescribed form of the short certificate see reg 64(a), Sch 2, Form 21 or, in relation to a short certificate of birth issued by a superintendent registrar or registrar which is compiled from an entry in a birth register relating to a birth which occurred in Wales, the Registration of Births and Deaths (Welsh Language) Regulations 1987, SI 1987/2089, reg 8(1), Sch 2, Form 17. Where a short certificate of birth is compiled from an entry, or a certified copy of an entry, which contains a Welsh version of the particulars entered, the certificate must likewise include particulars in Welsh as well as in English: reg 8(3).

18 I.e. not being a certificate to which the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 66 (short certificate of birth in respect of certain children admitted to the Foundling Hospital) applies: see the text and note 21 infra.

19 For the meaning of 'British ship' see SHIPPING AND MARITIME LAW vol 93 (2008) PARA 230.

20 Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 65(3). For the prescribed form of short certificate see Sch 2, Form 22 or, in relation to a short certificate of birth issued by the Registrar General which (1) is compiled (a) from a certified copy of an entry in a register of births kept in Wales, (b) from an entry in the register of births kept under the Births and Deaths Registration Act 1953 s 3A (as added) (abandoned children: see PARA 539 post) or (c) in respect of an adopted person; and (2) is to show that the place of birth was

in Wales, the Registration of Births and Deaths (Welsh Language) Regulations 1987, SI 1987/2089, reg 8(2), Sch 2, Form 18. See also note 17 *supra*.

21 See the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 66(1), (2). Such a certificate must be compiled as follows: (1) opposite the words 'Name and Surname' there must be entered the name and surname given to the person on his admission to the Foundling Hospital; (2) opposite the word 'Sex' there must be entered the relevant particulars contained in the birth entry; (3) opposite the words 'Date of Birth' there must be entered the date of birth recorded in the birth entry or, if no date of birth is recorded, such date (if any) as may appear to the Registrar General from the information recorded in the entry to be the probable date of birth; and (4) opposite the words 'Place of Birth' there must be entered particulars of the person's country of birth: reg 66(2). For the prescribed form of the certificate see Sch 2, Form 22; but in relation to births in Wales see the Registration of Births and Deaths (Welsh Language) Regulations 1987, SI 1987/2089, Sch 2, Form 18. See also notes 17, 20 *supra*.

UPDATE

525 Certified copies and short certificates of birth

NOTE 1--SI 1986/1445 reg 10 replaced: Registration of Marriages (Welsh Language) Regulations 1999, SI 1999/1621, reg 9.

NOTE 3--SI 1997/2939 now replaced by Registration of Births, Deaths and Marriages (Fees) Order 2002, SI 2002/3076.

NOTES 10, 12--SI 1987/2088 reg 63(2) amended: SI 2009/2165.

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526. Certified copies for social security purposes.

Where the age, marriage or death of a person is required to be ascertained or proved for certain social security purposes¹, any person is entitled, on presenting to the custodian of the register under the enactments relating to the registration of births, marriages and deaths in which particulars of the birth, marriage or death (as the case may be) of the first-mentioned person are entered a duly completed requisition² in writing in that behalf, and on payment of the prescribed fee³, to obtain a certified copy⁴ of the entry of those particulars⁵.

1 See for the purposes mentioned in the Social Security Administration Act 1992 s 124(1) (as amended): see PARA 606 post. Those purposes are the purposes of (1) the provisions of the Social Security Contributions and Benefits Act 1992 Pts I-VI (ss 1-122) (as amended) (contributions, contributory and non-contributory benefits and industrial injury benefits), except s 108 (prescribed industrial diseases) (see generally SOCIAL SECURITY AND PENSIONS vol 44(2) (Reissue) PARA 31 et seq); Pt VII (ss 123-137) (as amended), so far as it relates to income support and family credit (see SOCIAL SECURITY AND PENSIONS vol 44(2) (Reissue) PARA 176 et seq); Pt VIII (ss 138-140), so far as it relates to any social fund payment such as is mentioned in s 138(1)(a) or (2) (see SOCIAL SECURITY AND PENSIONS vol 44(2) (Reissue) PARAS 228-231); Pt IX (ss 141-147) (as amended) (child benefit) (see SOCIAL SECURITY AND PENSIONS vol 44(2) (Reissue) PARA 237 et seq); Pts XI, XII (ss 151-171) (as amended) (statutory sick pay and statutory maternity pay: see EMPLOYMENT vol 39 (2009) PARAS 365 et seq, 498 et seq); (2) the provisions of the Jobseekers Act 1995 Pts I, II (ss 1-29) (as amended) (see SOCIAL SECURITY AND PENSIONS vol 44(2) (Reissue) PARA 258 et seq); (3) the provisions of the Social Security Administration Act 1992 so far as they have effect in relation to matters arising under the provisions mentioned in heads (1)-(2) *supra* (see SOCIAL SECURITY AND PENSIONS vol 44(2) (Reissue) PARA 330 et seq); and (4) the provisions of the Pension Schemes Act 1993 referred to in s 164(1)(b) (as amended) (see SOCIAL SECURITY AND PENSIONS vol 44(2) (Reissue) PARA 968 note 1 head (2)): Social Security Administration Act 1992 s 124(3) (applying s 124(1) (as amended), s 124(2)); Pension Schemes Act 1993 s 167(1), (5).

2 Requisitions for these purposes must be in such form and contain such particulars as may from time to time be specified by the Registrar General, and suitable forms of requisition must, on request, be supplied

without charge by superintendent registrars and registrars: Social Security Administration Act 1992 s 124(4). In s 124 as it applies to England and Wales, 'Registrar General' means the Registrar General for England and Wales, and 'superintendent registrar' and 'registrar' mean a superintendent registrar or, as the case may be, registrar for the purposes of the enactments relating to the registration of births, deaths and marriages: s 124(5)(a). As to the Registrar General see PARAS 605-606 post; and as to registration officers see PARA 609 et seq post.

3 For the prescribed fee see the Registration of Births, Deaths and Marriages (Fees) Order 1997, SI 1997/2939, art 2, Schedule. See also PARA 522 note 7 ante.

4 The copy must be certified under the hand of the custodian of the register: see the Social Security Administration Act 1992 s 124(3).

5 Ibid s 124(3).

UPDATE

526 Certified copies for social security purposes

TEXT AND NOTES--See also Social Security Administration Act 1992 s 124A (added by SI 2005/3129) (provisions relating to civil partnership: England and Wales).

NOTE 1--Subject to savings (see SI 2003/962) reference to 'family credit' (working families' tax credit) repealed: Tax Credits Act 2002 Sch 6. As to the Tax Credits Act 2002 see SOCIAL SECURITY AND PENSIONS vol 44(2) (Reissue) PARA 227A.

Pension Schemes Act 1993 s 167(5) substituted: SI 2005/3129.

NOTE 3--SI 1997/2939 now replaced by Registration of Births, Deaths and Marriages (Fees) Order 2002, SI 2002/3076.

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(5) OFFENCES

527. Reporting of offences to the Registrar General.

If it appears to a superintendent registrar¹ or a registrar² that any offence under, or breach of, the Births and Deaths Registration Act 1953, the Marriage Act 1949, the Population (Statistics) Act 1938 or, so far as they relate to marriages or to the registration of births³ and deaths, the Perjury Act 1911 or the Forgery and Counterfeiting Act 1981, has been committed⁴, he must report the matter to the Registrar General⁵ and must deliver to the Registrar General such documents in his possession relating to the offence or breach as the Registrar General may require⁶. A superintendent registrar may prosecute any person for an offence under the Births and Deaths Registration Act 1953 or certain provisions of the Marriage Act 1949⁷ committed within his district⁸, but must not commence proceedings without the authority of the Registrar General⁹.

If proceedings are instructed to be taken, any costs incurred by the superintendent registrar, being costs which are not otherwise provided for, must be defrayed out of money provided by Parliament¹⁰.

1 For the meaning of 'superintendent registrar' see PARA 505 note 15 ante.

- 2 For the meaning of 'registrar' see PARA 505 note 4 ante.
- 3 For the meaning of 'birth' see PARA 504 note 5 ante.
- 4 As to perjury generally see CRIMINAL LAW, EVIDENCE AND PROCEDURE vol 11(2) (2006 Reissue) PARA 712 et seq. As to false statements with regard to marriage see PARAS 533, 560 post. As to forgery and counterfeiting see CRIMINAL LAW, EVIDENCE AND PROCEDURE vol 11(1) (2006 Reissue) PARA 346 et seq.
- 5 As to the Registrar General see PARAS 605-606 post.
- 6 Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 72(1); Registration of Marriages Regulations 1986, SI 1986/1442, reg 20(1).
- 7 Ie under the Marriage Act 1949 s 76(1) or (2) (as amended): see PARA 558 post.
- 8 Ibid s 76(5); Births and Deaths Registration Act 1953 s 38(1).
- 9 Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 72(2); Registration of Marriages Regulations 1986, SI 1986/1442, reg 20(2).
- 10 Marriage Act 1949 s 76(5); Births and Deaths Registration Act 1953 s 38(1).

UPDATE

527-535 Offences

The Identity Cards Act 2006 makes provision for the creation of new criminal offences and the imposition of civil penalties in relation to the national scheme of registration of individuals and the issue of identity cards: see ss 25-34; and PARAS 527A-527E.

527 Reporting of offences to the Registrar General

NOTES--Certain functions under provisions mentioned in this paragraph are 'relevant functions' for the purposes of the Regulatory Enforcement and Sanctions Act 2008 s 4, Sch 3, see LOCAL GOVERNMENT vol 69 (2009) PARA 733.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/1. REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES/(5) OFFENCES/527A. Possession of false identity documents etc.

527A. Possession of false identity documents etc.

It is an offence for a person to have in his possession or under his control (1) an identity document¹ that is false² and that he knows or believes to be false; (2) an identity document that was improperly obtained³ and that he knows or believes to have been improperly obtained; or (3) an identity document that relates to someone else, if he has the intention of using the document for establishing registrable facts⁴ about himself, or the intention of allowing or inducing another to use it for establishing, ascertaining or verifying registrable facts about himself or about any other person (with the exception, in the case of a document within head (3) above, of the individual to whom it relates)⁵. It is also an offence for a person to have in his possession or under his control any apparatus⁶ which, to his knowledge, is or has been specially designed or adapted for the making of false identity documents⁷, or any article or material which, to his knowledge, is or has been specially designed or adapted to be used in the making of false identity documents, if he has the intention that he or another will make a false identity document and that the document will be used by somebody for establishing, ascertaining or

verifying registrable facts about a person⁸. A person guilty of either of the above offences is liable, on conviction on indictment, to imprisonment for a term not exceeding ten years or to a fine, or to both⁹.

It is also an offence for a person to have in his possession or under his control, without reasonable excuse (a) an identity document that is false; (b) an identity document that was improperly obtained; (c) an identity document that relates to someone else; or (d) any apparatus, article or material which, to his knowledge, is or has been specially designed or adapted for the making of false identity documents or to be used in the making of such documents¹⁰. A person guilty of such an offence is liable (i) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both; or (ii) on summary conviction, to imprisonment for a term not exceeding twelve months or to a fine not exceeding the statutory maximum, or to both¹¹.

1 For the purposes of the Identity Cards Act 2006 s 25, 'identity document' means any document that is, or purports to be, (1) an ID card (see s 6; and PARA 501A.3); (2) a designated document (see PARA 501A.2); (3) an immigration document; (4) a United Kingdom passport (within the meaning of the Immigration Act 1971 (see BRITISH NATIONALITY, IMMIGRATION AND ASYLUM vol 4(2) (2002 Reissue) PARA 93 NOTE 16); (5) a passport issued by or on behalf of the authorities of a country or territory outside the United Kingdom or by or on behalf of an international organisation; (6) a document that can be used (in some or all circumstances) instead of a passport; (7) a United Kingdom driving licence; or (8) a driving licence issued by or on behalf of the authorities of a country or territory outside the United Kingdom: 2006 Act s 26(1). The Secretary of State may by order modify the list of documents in s 26(1): s 26(4). 'Immigration document' means (a) a document used for confirming the right of a person under the Community Treaties in respect of entry or residence in the United Kingdom; (b) a document which is given in exercise of immigration functions and records information about leave granted to a person to enter or to remain in the United Kingdom; or (c) a registration card (within the meaning of the 1971 Act s 26A (see BRITISH NATIONALITY, IMMIGRATION AND ASYLUM vol 4(2) (2002 Reissue) PARA 201); s 26(2). 'Immigration functions' means functions under the Immigration Acts (within the meaning of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (see BRITISH NATIONALITY, IMMIGRATION AND ASYLUM vol 4(2) (2002 Reissue) PARA 83 TEXT AND NOTE 13): 2006 Act s 26(2). 'United Kingdom driving licence' means a licence to drive a motor vehicle granted under the Road Traffic Act 1988 Pt 3 (ss 87-109C): 2006 Act s 26(3).

2 For the purposes of Identity Cards Act 2006 s 25, an identity document is false only if it is false within the meaning of the Forgery and Counterfeiting Act 1981 Pt I (ss 1-13) (see CRIMINAL LAW, EVIDENCE AND PROCEDURE vol 11(1) (2006 Reissue) PARA 346 et seq): 2006 Act s 25(8)(a).

3 For the purposes of Identity Cards Act 2006 s 25, an identity document is improperly obtained if false information was provided, in or in connection with the application for its issue or an application for its modification, to the person who issued it or (as the case may be) to a person entitled to modify it: s 25(8)(b). For the meaning of 'false' in relation to information see PARA 527C; and for the meaning of 'modification' see PARA 501A.3.

4 As to the meaning of 'registrable fact' in relation to an individual see PARA 501A.1.

5 Identity Cards Act 2006 s 25(1), (2). As to sentence see *R v Zenasni* [2007] EWCA Crim 2165, [2008] 1 Cr App Rep (S) 567, [2007] All ER (D) 101 (Oct); *R v Carneiro* [2007] EWCA Crim 2170, [2008] 1 Cr App Rep (S) 571, [2007] All ER (D) 35 (Nov); *R v Mabengo* [2008] All ER (D) 240 (Jun), CA; and *R v Ovieriakhi* [2009] EWCA Crim 452, [2009] 2 Cr App Rep (S) 607. The fact that a defendant's name is correctly recorded in an identity document is not a defence if the document is false and is used to establish the defendant's name: *R v Jamalov* [2010] EWCA Crim 309, (2010) Times, 17 March.

6 'Apparatus' includes any equipment, machinery or device and any wire or cable, together with any software used with it: Identity Cards Act 2006 s 42(1).

7 References to the making of a false identity document include references to the modification of an identity document so that it becomes false: 2006 Act s 25(8).

8 Identity Cards Act 2006 s 25(3), (4).

9 Identity Cards Act 2006 s 25(6). See *R v Omatode* (2008) Times, 10 September, CA (use to which false passport put of potential significance to sentence).

10 2006 Act s 25(5). As to sentence see *R v Zenasni*; and *R v Carneiro*, NOTE 5.

11 2006 Act s 25(7). As to the statutory maximum see PARA 634-750 NOTE 7.

UPDATE

527-535 Offences

The Identity Cards Act 2006 makes provision for the creation of new criminal offences and the imposition of civil penalties in relation to the national scheme of registration of individuals and the issue of identity cards; see ss 25-34; and PARAS 527A-527E.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/1. REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES/(5) OFFENCES/527B. Unauthorised disclosure of information.

527B. Unauthorised disclosure of information.

A person is guilty of an offence if, without lawful authority (1) he provides any person with information that he is required to keep confidential¹; or (2) he otherwise makes a disclosure of any such information². It is a defence for a person charged with such an offence to show that, at the time of the alleged offence, he believed, on reasonable grounds, that he had lawful authority to provide the information or to make the other disclosure in question³. A person guilty of such an offence is liable, on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both⁴.

1 For the purposes of Identity Cards Act 2006 s 27, a person is required to keep information confidential if it is information that is or has become available to him by reason of his holding an office or employment the duties of which relate, in whole or in part, to (1) the establishment or maintenance of the register; (2) the issue, manufacture, modification, cancellation or surrender of ID cards; or (3) the carrying out of the National Identity Scheme Commissioner's functions: Identity Cards Act 2006 s 27(2). For the meaning of 'modification' see PARA 501A.3; and as to the Commissioner see PARA 501A.1.

2 Identity Cards Act 2006 s 27(1). For the purposes of the 2006 Act s 27, information is provided or otherwise disclosed with lawful authority if, and only if, the provision or other disclosure of the information (a) is authorised by or under the 2006 Act or another enactment; (b) is in pursuance of an order or direction of a court or of a tribunal established by or under any enactment; (c) is in pursuance of a Community obligation; or (d) is for the purposes of the performance of the duties of an office or employment of the sort mentioned in 2006 Act s 27(2) above: Identity Cards Act 2006 s 27(3).

3 Identity Cards Act 2006 s 27(4).

4 Identity Cards Act 2006 s 27(5).

UPDATE

527-535 Offences

The Identity Cards Act 2006 makes provision for the creation of new criminal offences and the imposition of civil penalties in relation to the national scheme of registration of individuals and the issue of identity cards; see ss 25-34; and PARAS 527A-527E.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/1. REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES/(5) OFFENCES/527C. Providing false information.

527C. Providing false information.

A person is guilty of an offence if, in specified circumstances, he provides false¹ information to any person (1) for the purpose of securing the making or modification² of an entry in the register³; (2) in confirming (with or without changes) the contents of an entry in the register; or (3) for the purpose of obtaining for himself or another the issue or modification of an ID card⁴. The circumstances so specified are that, at the time of the provision of the information he knows or believes the information to be false or is reckless as to whether or not it is false⁵. A person guilty of such an offence is liable (a) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both; or (b) on summary conviction, to imprisonment for a term not exceeding twelve months⁶ or to a fine not exceeding the statutory maximum, or to both⁷.

1 'False', in relation to information, includes containing any inaccuracy or omission that results in a tendency to mislead (and is to be construed subject to Identity Cards Act 2006 s 3(5) (PARA 501B.2)): Identity Cards Act 2006 s 42(1).

2 For the meaning of 'modification' see PARA 501A.3.

3 As to the register see PARA 501A.1.

4 Identity Cards Act 2006 s 28(1). For the meaning of 'ID card' see PARA 501B.1; and for the meaning of 'confirming' see PARA 501B.3.

5 Identity Cards Act 2006 s 28(2).

6 In relation to an offence committed before the commencement of Criminal Justice Act 2003 s 154(1), the maximum term of imprisonment is six months: Identity Cards Act 2006 s 28(3).

7 Identity Cards Act 2006 s 28(3).

UPDATE

527-535 Offences

The Identity Cards Act 2006 makes provision for the creation of new criminal offences and the imposition of civil penalties in relation to the national scheme of registration of individuals and the issue of identity cards; see ss 25-34; and PARAS 527A-527E.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/1. REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES/(5) OFFENCES/527D. Tampering with the National Identity Register etc.

527D. Tampering with the National Identity Register etc.

A person is guilty of an offence¹ if (1) he engages in any conduct that causes an unauthorised modification of information² recorded in the register³; and (2) at the time when he engages in the conduct, he has the requisite intent⁴. For these purposes, a person has the requisite intent if he intends to cause a modification of information recorded in the register or is reckless as to whether or not his conduct will cause such a modification⁵. It is immaterial for these purposes

whether the conduct constituting the offence, or any of it, took place in the United Kingdom or, in the case of conduct outside the United Kingdom, whether it is conduct of a British citizen⁶. In proceedings against a person for such an offence in respect of conduct causing a modification of information recorded in the register, it is a defence for that person to show that, at the time of the conduct, he believed, on reasonable grounds (a) that he was a person entitled to determine if that modification might be made; or (b) that consent to the modification had been given by a person so entitled⁷.

A person guilty of such an offence is liable (i) on conviction on indictment, to imprisonment for a term not exceeding ten years or to a fine, or to both; (ii) on summary conviction, to imprisonment for a term not exceeding twelve months⁸ or to a fine not exceeding the statutory maximum, or to both⁹.

1 Ie an offence under Identity Cards Act 2006 s 29.

2 For the purposes of the 2006 Act s 29, the cases in which conduct causes a modification of information recorded in the register include (1) where it contributes to a modification of such information; and (2) where it makes it more difficult or impossible for such information to be retrieved in a legible form from a computer on which it is stored by the Secretary of State, or contributes to making that more difficult or impossible: Identity Cards Act 2006 s 29(3). For these purposes, a modification is unauthorised, in relation to the person whose conduct causes it, if (a) he is not himself entitled to determine if the modification may be made; and (b) he does not have a consent to the modification from a person who is so entitled: Identity Cards Act 2006 s 29(5). 'Conduct' includes acts and omissions; and 'modification' includes a temporary modification: Identity Cards Act 2006 s 29(9). For the meaning of 'modification' see PARA 501A.3.

3 As to the register see PARA 501A.1.

4 Identity Cards Act 2006 s 29(1).

5 Identity Cards Act 2006 s 29(2).

6 Identity Cards Act 2006 s 29(4). In the case of an offence in respect of conduct wholly or partly outside the United Kingdom (i) proceedings for the offence may be taken at any place in the United Kingdom; and (ii) the offence may for all incidental purposes be treated as having been committed at any such place: Identity Cards Act 2006 s 29(8).

7 Identity Cards Act 2006 s 29(6).

8 In relation to an offence committed before the commencement of Criminal Justice Act 2003 s 154(1), the maximum term of imprisonment is six months: Identity Cards Act 2006 s 29(7).

9 Identity Cards Act 2006 s 29(7).

UPDATE

527-535 Offences

The Identity Cards Act 2006 makes provision for the creation of new criminal offences and the imposition of civil penalties in relation to the national scheme of registration of individuals and the issue of identity cards; see ss 25-34; and PARAS 527A-527E.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/1. REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES/(5) OFFENCES/527E. Civil penalties.

527E. Civil penalties.

Where the Secretary of State is satisfied that a person ('the defaulter') is a person who is liable under the Identity Cards Act 2006 to a civil penalty¹ not exceeding a specified amount he may, by a notice given to the defaulter in the prescribed manner, impose on him a penalty of such amount, not exceeding the specified amount, as he thinks fit². A notice imposing such a penalty must (1) set out the Secretary of State's reasons for deciding that the defaulter is liable to a penalty; (2) state the amount of the penalty that is being imposed; (3) specify a date before which the penalty must be paid to the Secretary of State³; (4) describe how payment may be made; (5) explain the steps that the defaulter may take if he objects to the penalty; and (6) set out and explain the powers of the Secretary of State to enforce the penalty⁴. A penalty so imposed must be paid to the Secretary of State in a manner described in the notice imposing it and, if not so paid by the specified date, is recoverable by him accordingly⁵. In proceedings for recovery of a penalty no question may be raised as to (a) whether the defaulter was liable to the penalty; (b) whether the imposition of the penalty was unreasonable; or (c) the amount of the penalty⁶.

A person to whom a notice has been given may give notice to the Secretary of State that he objects to the penalty on one or more of the following grounds: (i) that he is not liable to it; (ii) that the circumstances of the contravention⁷ in respect of which he is liable make the imposition of a penalty unreasonable; and (iii) that the amount of the penalty is too high⁸. The notice of objection must set out the grounds of the objection and the objector's reasons for objecting on those grounds, and must be given to the Secretary of State in the prescribed manner and within the prescribed period after the giving of the notice imposing the penalty⁹. The Secretary of State must consider a notice of objection so given and may then cancel the penalty, reduce it, increase it, or confirm it¹⁰. The Secretary of State must not enforce a penalty in respect of which he has received a notice of objection before he has notified the objector of the outcome of his consideration of the objection¹¹. Where, on consideration of an objection, the Secretary of State increases the penalty, he must give the objector a new penalty notice and, where he reduces it, he must notify the objector of the reduced amount¹².

A person on whom a penalty has been imposed may appeal¹³ to the court¹⁴ on one or more of the following grounds: (A) that he is not liable to it; (B) that the circumstances of the contravention in respect of which he is liable make the imposition of a penalty unreasonable; and (C) that the amount of the penalty is too high¹⁵. An appeal must be brought within such period after the giving of the notice imposing the penalty to which it relates as may be specified by rules of court¹⁶. On an appeal, the court may allow the appeal and cancel the penalty, allow the appeal and reduce the penalty, or dismiss the appeal¹⁷. An appeal may be brought in relation to a penalty irrespective of whether a notice of objection has been given in respect of that penalty and of whether there has been an increase or reduction¹⁸ of the penalty¹⁹.

The Secretary of State must issue a code of practice setting out the matters that must be considered when determining whether a civil penalty should be imposed and the amount of such a penalty²⁰.

1 As to the circumstances in which a person may become so liable see PARAS 501A.3, 501B.1, 501B.2.

2 Identity Cards Act 2006 s 31(1), (2). As to the manner of notice so prescribed see Identity Cards Act 2006 (Civil Penalties) Regulations 2009, SI 2009/2571, reg 2.

3 The date for the payment of a penalty must be not less than 14 days after the giving of the notice imposing it: Identity Cards Act 2006 s 31(4).

4 Identity Cards Act 2006 s 31(3).

5 Identity Cards Act 2006 s 31(5). Sums received by the Secretary of State in respect of penalties imposed in accordance with s 31 must be paid into the Consolidated Fund: Identity Cards Act 2006 s 31(7).

6 Identity Cards Act 2006 s 31(6).

- 7 For the meaning of 'contravention' see PARA 501B.2.
- 8 Identity Cards Act 2006 s 32(1).
- 9 Identity Cards Act 2006 s 32(2). As to the manner and period of notice so prescribed see Identity Cards Act 2006 (Civil Penalties) Regulations 2009, SI 2009/2571, regs 3, 4.
- 10 Identity Cards Act 2006 s 32(3).
- 11 Identity Cards Act 2006 s 32(4). Notification of the outcome of the Secretary of State's consideration must be given in the prescribed manner before the end of the prescribed period or within such longer period as he may agree with the objector: Identity Cards Act 2006 s 32(5). As to the manner and period of notification so prescribed see Identity Cards Act 2006 (Civil Penalties) Regulations 2009, SI 2009/2571, reg 5.
- 12 Identity Cards Act 2006 s 32(6).
- 13 An appeal must be by way of a rehearing of the Secretary of State's decision to impose the penalty: Identity Cards Act 2006 s 33(4).
- 14 'The court' means a county court: Identity Cards Act 2006 s 33(7).
- 15 Identity Cards Act 2006 s 33(1).
- 16 Identity Cards Act 2006 s 33(2).
- 17 Identity Cards Act 2006 s 33(3). The matters to which the court may have regard when determining an appeal include all matters that the court considers relevant, including (1) matters of which the Secretary of State was unaware when he made his decision; and (2) matters which (apart from this provision) the court would be prevented from having regard to by virtue of rules of court: Identity Cards Act 2006 s 33(5).
- 18 *le* under Identity Cards Act 2006 s 32 above.
- 19 Identity Cards Act 2006 s 33(6).
- 20 Identity Cards Act 2006 s 34(1). The Secretary of State must have regard to the code when imposing a civil penalty or considering a notice of objection: Identity Cards Act 2006 s 34(2). The court must have regard to the code when determining an appeal: Identity Cards Act 2006 s 34(3). See the Identity Cards Act 2006, Code of Practice on Civil Penalties brought into force on 24 September 2009 by the Identity Cards Act 2006 (Information and Code of Practice on Penalties) Order 2009, SI 2009/2570.

UPDATE

527-535 Offences

The Identity Cards Act 2006 makes provision for the creation of new criminal offences and the imposition of civil penalties in relation to the national scheme of registration of individuals and the issue of identity cards; see ss 25-34; and PARAS 527A-527E.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/1. REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES/(5) OFFENCES/528. Loss of, or injury to, registers.

528. Loss of, or injury to, registers.

Any person having the custody of a marriage register book¹ or a certified copy of a marriage register book, or of part of it, who carelessly loses or injures that book or copy or carelessly allows it to be injured while in his keeping is liable on summary conviction to a fine not exceeding level 3 on the standard scale².

Any person having the custody of any register of births³ or of deaths⁴ who carelessly loses or injures the register or allows it to be injured is likewise liable on summary conviction to a fine not exceeding level 3 on the standard scale⁵.

1 As to marriage register books see PARA 504 ante; and as to the contents of the register see PARA 507 ante.

2 Marriage Act 1949 s 76(1) (amended by virtue of the Criminal Justice Act 1982 ss 38, 46). The 'standard scale' means the standard scale of maximum fines for summary offences as set out in the Criminal Justice Act 1982 s 37(2) (as substituted): Interpretation Act 1978 s 5, Sch 1 (amended by the Criminal Justice Act 1988 s 170(1), Sch 15 para 58(a)). See SENTENCING AND DISPOSITION OF OFFENDERS vol 92 (2010) PARA 142. At the date at which this volume states the law, the standard scale is as follows: level 1, £200; level 2, £500; level 3, £1,000; level 4, £2,500; level 5, £5,000: Criminal Justice Act 1982 s 37(2) (substituted by the Criminal Justice Act 1991 s 17(1)). As to the determination of the amount of the fine actually imposed, as distinct from the level on the standard scale which it may not exceed, see the Criminal Justice Act 1991 s 18 (substituted by the Criminal Justice Act 1993 s 65); and SENTENCING AND DISPOSITION OF OFFENDERS vol 92 (2010) PARA 144.

3 For the meaning of 'birth' see PARA 504 note 5 ante. As to the contents of the register see PARA 505 ante.

4 As to the contents of the register see PARA 508 ante.

5 Births and Deaths Registration Act 1953 s 35(b) (amended by virtue of the Criminal Justice Act 1982 ss 38, 46). As to offences relating to destroying, defacing and injuring registers, and the making of false entries in copies of registers of baptisms, marriages etc see CRIMINAL LAW, EVIDENCE AND PROCEDURE vol 11(1) (2006 Reissue) PARA 356.

UPDATE

527-535 Offences

The Identity Cards Act 2006 makes provision for the creation of new criminal offences and the imposition of civil penalties in relation to the national scheme of registration of individuals and the issue of identity cards; see ss 25-34; and PARAS 527A-527E.

528 Loss of, or injury to, registers

NOTE 2--1991 Act s 18, consolidated in the Powers of Criminal Courts (Sentencing) Act 2000 s 128, repealed: Criminal Justice Act 2003 Sch 37 Pt 7. See now s 162.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/1. REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES/(5) OFFENCES/529.
Omission to register.

529. Omission to register.

Any registrar¹ who refuses or without reasonable cause omits to register any birth or death or particulars concerning which information has been tendered to him by a qualified informant² and which he is required³ to register is liable on summary conviction to a fine not exceeding level 3 on the standard scale⁴.

Any person who refuses or without reasonable cause omits to register any marriage which he is required⁵ to register is likewise liable on summary conviction to a fine not exceeding level 3 on the standard scale⁶.

1 For the meaning of 'registrar' see PARA 505 note 4 ante.

2 As to qualified informants see PARAS 547, 570-571 post.

3 le required by or under the Births and Deaths Registration Act 1953: see PARAS 504 et seq ante, 531 et seq post.

4 Ibid s 35(a) (amended by virtue of the Criminal Justice Act 1982 ss 38, 46). As to the standard scale see PARA 528 note 2 ante.

5 le for the purposes of the Marriage Act 1949: see PARAS 504 et seq ante, 533 et seq post.

6 Ibid s 76(1) (amended by virtue of the Criminal Justice Act 1982 ss 38, 46).

UPDATE

527-535 Offences

The Identity Cards Act 2006 makes provision for the creation of new criminal offences and the imposition of civil penalties in relation to the national scheme of registration of individuals and the issue of identity cards; see ss 25-34; and PARAS 527A-527E.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/1. REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES/(5) OFFENCES/530. Failure to provide certified copies.

530. Failure to provide certified copies.

Where any person who is required to make and deliver to a superintendent registrar¹ a certified copy of entries made in the marriage register book kept by him, or a certificate that no entries have been made in it since the date of the last certified copy², refuses or fails to deliver any such copy or certificate during any month in which he is required to do so, he is liable on summary conviction to a fine not exceeding level 1 on the standard scale³.

A person who refuses or fails without reasonable excuse to give, deliver or send any certificate which he is required by the Births and Deaths Registration Act 1953 to give, deliver or send⁴ is likewise liable on summary conviction to a fine not exceeding level 1 on the standard scale⁵.

1 For the meaning of 'superintendent registrar' see PARA 505 note 15 ante.

2 le under the Marriage Act 1949 Pt IV (ss 53-67) (as amended): see PARA 618 post.

3 Ibid s 76(2) (amended by virtue of the Criminal Justice Act 1982 ss 38, 46). As to the standard scale see PARA 528 note 2 ante.

4 See the Births and Deaths Registration Act 1953 s 26(1); and PARAS 516 ante, 618 post.

5 Ibid s 36(b) (amended by virtue of the Criminal Justice Act 1982 ss 38, 46).

UPDATE

527-535 Offences

The Identity Cards Act 2006 makes provision for the creation of new criminal offences and the imposition of civil penalties in relation to the national scheme of registration of individuals and the issue of identity cards; see ss 25-34; and PARAS 527A-527E.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/1. REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES/(5) OFFENCES/531. Falsification for purposes of the Births and Deaths Registration Act 1953.

531. Falsification for purposes of the Births and Deaths Registration Act 1953.

If any person falsifies¹ any certificate, declaration or order under the Births and Deaths Registration Act 1953 or knowingly uses, or gives or sends to any person as genuine any false certificate, declaration or order for the purposes of that Act he is liable on summary conviction to a fine not exceeding level 1 on the standard scale².

1 'Falsifies' is not defined in the Births and Deaths Registration Act 1953. As to when an instrument is 'false' for the purposes of the Forgery and Counterfeiting Act 1981 Pt I (ss 1-13) (as amended) see s 9(1) (as amended); and CRIMINAL LAW, EVIDENCE AND PROCEDURE vol 11(1) (2006 Reissue) PARA 346.

2 Births and Deaths Registration Act 1953 s 37 (amended by the Criminal Law Act 1977 s 31(6), (9); the Forgery and Counterfeiting Act 1981 s 30, Sch 1 Pt I; and by virtue of the Criminal Justice Act 1982 s 46). The forgery of any document committed with intent that it be used to induce somebody to accept it as genuine and thus to do some act to his own or any other person's prejudice is an offence under the Forgery and Counterfeiting Act 1981 s 1, punishable under s 6 (as amended): see CRIMINAL LAW, EVIDENCE AND PROCEDURE vol 11(1) (2006 Reissue) PARA 347 et seq.

The Births and Deaths Registration Act 1953 s 37 (as so amended) applies to certified copies of entries of births and deaths required to be issued or provided other than to or by the Registrar General by virtue of the Registration of Overseas Births and Deaths Regulations 1982, SI 1982/1123 (as amended), with the modification that for the words 'declaration or order' wherever they occur there are substituted the words 'or certified copy' and the words 'under this Act' and 'for the purposes of this Act' are omitted: see the Registration (Entries of Overseas Births and Deaths) Order 1982, SI 1982/1526, art 2(3), Sch 1 Pt III, Sch 2 Pt I; and see further PARA 592 et seq post. As to the standard scale see PARA 528 note 2 ante.

UPDATE

527-535 Offences

The Identity Cards Act 2006 makes provision for the creation of new criminal offences and the imposition of civil penalties in relation to the national scheme of registration of individuals and the issue of identity cards; see ss 25-34; and PARAS 527A-527E.

531 Falsification for purposes of the Births and Deaths Registration Act 1953

NOTES--Certain functions under provisions mentioned in this paragraph are 'relevant functions' for the purposes of the Regulatory Enforcement and Sanctions Act 2008 s 4, Sch 3, see LOCAL GOVERNMENT vol 69 (2009) PARA 733.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/1. REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES/(5) OFFENCES/532. Failure to give information.

532. Failure to give information.

Any person commits an offence who:

- 66 (1) is required by statute¹ to give information concerning a birth or death² and wilfully refuses to answer questions put to him by the registrar concerning the particulars to be registered³;
- 67 (2) is the parent of a child and fails to give information concerning the birth of his child, if required⁴ to do so⁵;
- 68 (3) is the parent of a legitimated person and fails to comply with any requirement of the Registrar General⁶ as to reregistration of the birth⁷; or
- 69 (4) is a person who is under a duty to give information concerning a death⁸ and fails to do so and that information is not given⁹.

All these offences are triable summarily and the penalty is a fine not exceeding level 1 on the standard scale¹⁰.

1 He by or under the Births and Deaths Registration Act 1953.

2 As to the giving of information concerning a birth see PARAS 547-548 post; and as to the giving of information concerning a death see PARAS 570-571 post.

3 Births and Deaths Registration Act 1953 s 36(a) (amended by the Children Act 1975 s 108(1)(b), Sch 4 Pt VI). As to the particulars to be registered see PARAS 505-506 (births), 508 (deaths) ante.

4 He under the Births and Deaths Registration Act 1953: see PARA 548 post.

5 Ibid s 36(c).

6 As to the Registrar General see PARAS 605-606 post.

7 Births and Deaths Registration Act 1953 s 36(d) (amended by the Legitimation (Re-registration of Birth) Act 1957 s 1(2)). As to reregistration on legitimation see PARA 552 et seq post.

8 He a person upon whom a duty is imposed by the Births and Deaths Registration Act 1953 s 16(3)(a) or s 17 (as amended): see PARAS 570-571 post.

9 Ibid s 36(e).

10 Ibid s 36 (amended by virtue of the Criminal Justice Act 1982 ss 38, 46). As to the standard scale see PARA 528 note 2 ante.

UPDATE

527-535 Offences

The Identity Cards Act 2006 makes provision for the creation of new criminal offences and the imposition of civil penalties in relation to the national scheme of registration of individuals and the issue of identity cards; see ss 25-34; and PARAS 527A-527E.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/1. REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES/(5) OFFENCES/533. False statements with regard to marriage.

533. False statements with regard to marriage.

Any person commits an offence who:

- 70 (1) for the purpose of procuring a marriage, or a certificate or licence for marriage, knowingly and wilfully makes a false oath or makes or signs a false declaration, notice or certificate required by any statute in force relating to marriage¹; or
- 71 (2) knowingly and wilfully makes or knowingly and wilfully causes to be made, for the purpose of being inserted in any register of marriage, a false statement as to any particular required by law to be known and registered relating to any marriage²; or
- 72 (3) forbids the issue of any certificate or licence for marriage by falsely representing himself to be a person whose consent to the marriage is required by law knowing the representation to be false³; or
- 73 (4) with respect to a declaration specifying the affinal relationship of the parties to a marriage⁴, enters a caveat⁵ or makes a statement⁶ which he knows to be false in a material particular⁷.

A person committing any such offence is liable on conviction on indictment to imprisonment for a term not exceeding seven years or a fine, or to both, or on summary conviction to a fine not exceeding the prescribed sum⁸.

Prosecutions for false declarations for procuring a marriage out of the district in which the parties or one of them dwell must take place before the expiration of 18 months from the solemnisation of the marriage to which the declaration refers⁹.

1 Perjury Act 1911 s 3(1)(a).

2 Ibid s 3(1)(b). See also PARA 560 post.

3 Ibid s 3(1)(c) (amended by the Marriage (Prohibited Degrees of Relationship) Act 1986 s 4).

4 I.e. a declaration under the Marriage Act 1949 s 16(1A) (as added) or s 27B(2) (as added) made by parties to a marriage which would otherwise be void as being within the prohibited degrees that the younger party has not at any time before attaining the age of 18 been a child of the family in relation to the other party: see MATRIMONIAL AND CIVIL PARTNERSHIP LAW vol 72 (2009) PARA 77.

5 I.e. under ibid s 16(2) (as amended) (caveat against the grant of a common licence): see MATRIMONIAL AND CIVIL PARTNERSHIP LAW vol 72 (2009) PARA 78.

6 I.e. a statement mentioned in ibid s 27B(4) (as added) (statement alleging that declaration specifying affinal relationship made under s 27B(2) (as added) is false): see MATRIMONIAL AND CIVIL PARTNERSHIP LAW vol 72 (2009) PARA 93.

7 Perjury Act 1911 s 3(1)(d) (added by the Marriage (Prohibited Degrees of Relationship) Act 1986 s 4).

8 Perjury Act 1911 s 3(1) (amended by the Criminal Justice Act 1925 s 28(1); and by virtue of the Criminal Justice Act 1948 s 1(1), (2); the Criminal Law Act 1967 ss 1(1), 10, Schs 2, 3; and the Magistrates' Courts Act 1980 s 32(2)). 'The prescribed sum' means £5,000 or such sum as is for the time being substituted in this definition by order under the Magistrates' Courts Act 1980 s 143(1) (substituted by the Criminal Justice Act 1982 s 48(1)(a)): Magistrates' Courts Act 1980 s 32(9) (amended by the Criminal Justice Act 1991 s 17(2)(c)).

9 See the Perjury Act 1911 s 3(2). As to the expiry of periods of a month or a specified number of months see eg *Dodds v Walker* [1981] 2 All ER 609, [1981] 1 WLR 541, HL; and *EJ Riley Investments Ltd v Eurostile Holdings Ltd* [1985] 3 All ER 181, [1985] 1 WLR 1139, CA (both landlord and tenant cases); and see generally TIME.

UPDATE

527-535 Offences

The Identity Cards Act 2006 makes provision for the creation of new criminal offences and the imposition of civil penalties in relation to the national scheme of registration of individuals and the issue of identity cards; see ss 25-34; and PARAS 527A-527E.

533 False statements with regard to marriage

NOTE 8--For sentencing purposes, a close parallel can be found between conspiring to make a false oath or declaration to obtain marriage documents and facilitating the illegal entry of immigrants: *R v Zafar* [1998] 2 Cr App Rep (S) 416, CA.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/1. REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES/(5) OFFENCES/534. False statements as to births or deaths.

534. False statements as to births or deaths.

Any person commits an offence who:

- 74 (1) wilfully makes a false answer to any question put to him by any registrar of births or deaths relating to the particulars required to be registered concerning any birth or death¹, or wilfully gives to any such registrar any false information concerning any birth or death or the cause of any death²; or
- 75 (2) wilfully makes a false certificate or declaration under or for the purposes of any statute relating to the registration of births or deaths or, knowing that certificate or declaration to be false, uses it as true or gives or sends it to any person as true³; or
- 76 (3) wilfully makes, gives or uses any false statement or declaration as to a child born alive as having been stillborn, or as to the body of a deceased person or a stillborn child in any coffin, or who falsely pretends that any child born alive was stillborn⁴; or
- 77 (4) makes any false statement with intent to have it inserted in any register of births or deaths⁵.

A person committing any such offence is liable on conviction on indictment to imprisonment for a term not exceeding seven years or a fine, or to both, or on summary conviction to a fine not exceeding the prescribed sum⁶. No prosecution on indictment for such an offence may be commenced more than three years after the commission of the offence⁷.

1 As to the particulars required to be registered see PARAS 505-506, 508 ante.

2 Perjury Act 1911 s 4(1)(a).

3 Ibid s 4(1)(b).

4 Ibid s 4(1)(c).

5 Ibid s 4(1)(d).

6 Ibid s 4(1)(i), (ii) (amended by virtue of the Criminal Justice Act 1948 s 1(1), (2); the Criminal Law Act 1967 ss 1(1), 10, Schs 2, 3; and the Magistrates' Courts Act 1980 s 32(2)). As to the prescribed sum see PARA 533 note 8 ante.

7 Perjury Act 1911 s 4(2).

UPDATE**527-535 Offences**

The Identity Cards Act 2006 makes provision for the creation of new criminal offences and the imposition of civil penalties in relation to the national scheme of registration of individuals and the issue of identity cards; see ss 25-34; and PARAS 527A-527E.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/1. REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES/(5) OFFENCES/535. Offences relating to the solemnisation and registration of marriages.

535. Offences relating to the solemnisation and registration of marriages.

A superintendent registrar is guilty of an offence if he knowingly and wilfully:

- 78 (1) issues a certificate for marriage (not being a marriage by licence) before the expiration of 21 days from the day on which the notice of marriage was entered in the marriage notice book¹ or issues a certificate for marriage by licence before the expiration of one whole day after the entry of the notice²;
- 79 (2) issues any certificate or licence for marriage after the expiration of the period which is the applicable period³ in relation to that marriage⁴;
- 80 (3) issues any certificate the issue of which has been forbidden by any person entitled to forbid it⁵; or
- 81 (4) solemnises or permits to be solemnised in his office or, in the case of a marriage of a person who is housebound or detained⁶, in any other place, any marriage which is void by virtue of certain provisions⁷ of the Marriage Act 1949⁸.

Any registrar who knowingly and wilfully registers any marriage which is void by virtue of certain provisions of the Marriage Act 1949⁹ is guilty of an offence¹⁰.

The penalty for all these offences is imprisonment for a term not exceeding five years¹¹. No prosecution for any of these offences may be commenced after the expiration of three years from the commission of the offence¹².

1 As to marriage notice books see MATRIMONIAL AND CIVIL PARTNERSHIP LAW vol 72 (2009) PARA 92.

2 Marriage Act 1949 s 75(3)(a).

3 Ie for the purposes of ibid s 33 (as amended): see MATRIMONIAL AND CIVIL PARTNERSHIP LAW vol 72 (2009) PARA 101.

4 Ibid s 75(3)(b) (amended by the Deregulation (Validity of Civil Preliminaries to Marriage) Order 1997, SI 1997/986, art 2(1), (4)).

5 Ie under the Marriage Act 1949 s 30: see MATRIMONIAL AND CIVIL PARTNERSHIP LAW vol 72 (2009) PARA 95.

6 Ie a marriage in pursuance of ibid s 26(1)(dd) (as added): see MATRIMONIAL AND CIVIL PARTNERSHIP LAW vol 72 (2009) PARA 54.

7 Ie by virtue of ibid Pt III (ss 26-52) (as amended): see MATRIMONIAL AND CIVIL PARTNERSHIP LAW vol 72 (2009) PARA 54 et seq.

8 Ibid s 75(3)(d) (amended by the Marriage Act 1983 s 1(7), Sch 1 para 20). For offences relating to solemnisation of marriages see also generally MATRIMONIAL AND CIVIL PARTNERSHIP LAW vol 72 (2009) PARA 180.

9 See note 7 supra.

10 Marriage Act 1949 s 76(3).

11 Ibid ss 75(3), 76(3) (amended by virtue of the Criminal Law Act 1967 ss 1(1), 10, Schs 2, 3).

12 Marriage Act 1949 ss 75(4), 76(6).

UPDATE

527-535 Offences

The Identity Cards Act 2006 makes provision for the creation of new criminal offences and the imposition of civil penalties in relation to the national scheme of registration of individuals and the issue of identity cards; see ss 25-34; and PARAS 527A-527E.

535 Offences relating to the solemnisation and registration of marriages

TEXT AND NOTES--Marriage Act 1949 s 75 modified: SI 2005/3129.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/2. EFFECTING REGISTRATION/(1) IN GENERAL/536. Preparation of draft particulars relating to births and deaths.

2. EFFECTING REGISTRATION

(1) IN GENERAL

536. Preparation of draft particulars relating to births and deaths.

Before commencing registration of a birth¹ or death, whether or not in the presence of a qualified informant, the registrar² must, except where a declaration or statement is to be made by a qualified informant³, prepare a draft of the particulars to be entered in the register, either on an approved form or, if he has a computer, on that computer⁴.

Before a qualified informant makes a declaration⁵ or a statement⁶ the officer before whom the declaration or statement is to be made must prepare a draft of the particulars to be entered in the register, either on an approved form or, if he has a computer, on that computer⁷.

Having prepared a draft of the particulars in accordance with these provisions, where the informant is present the officer must show or read them to him and must correct any error or omission⁸.

1 For the meaning of 'birth' see PARA 504 note 5 ante.

2 For the meaning of 'registrar' see PARA 505 note 4 ante.

3 Ie except where the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 3(2) (as substituted) applies: see the text and notes 5-7 infra.

4 Ibid reg 3(1) (reg 3 substituted by SI 1992/2753).

⁵ le under the Registration of Births and Deaths Regulations 1987, SI 1987/2088, regs 11, 12, 13 (see PARAS 542-543, 548 post) or regs 34A or 42A (as added) (see PARAS 550, 566 post).

⁶ le under ibid reg 17(3)(a): see PARA 556 post.

⁷ Ibid reg 3(2) (as substituted: see note 4 supra; amended by SI 1997/844).

⁸ Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 3(3) (as substituted: see note 4 supra).

UPDATE

536 Preparation of draft particulars relating to births and deaths

NOTE 6--Now refers to SI 1987/2088 reg 17(7)(a): reg 3(2) (amended by SI 2009/2165).

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/2. EFFECTING REGISTRATION/(1) IN GENERAL/537. Registration of births and deaths in more than one place.

537. Registration of births and deaths in more than one place.

A registrar¹ must not register a birth² or death which has already been registered except in accordance with the relevant regulations³ or where the Registrar General⁴ gives his authority⁵. Where it appears to a registrar that a birth or death has nevertheless been registered more than once:

- 82 (1) if there is no material difference in the particulars recorded⁶, he must write in the margin of every entry but the original the prescribed words⁷, inserting the number of the original entry and the number of the register in which it is recorded;
- 83 (2) if there is any material difference, he must report the matter to the Registrar General and must make such note in the margins of all or any of the entries as the Registrar General may authorise⁸.

Where a birth or death is reregistered on the authority of the Registrar General, the registrar making the new entry and the registrar or superintendent registrar⁹ having custody of the register in which the original entry was made must make such notes, if any, in the margin of the respective entries as the Registrar General may authorise¹⁰.

¹ For the meaning of 'registrar' see PARA 505 note 4 ante.

² For the meaning of 'birth' see PARA 504 note 5 ante.

³ le in accordance with the Registration of Births and Deaths Regulations 1987, SI 1987/2088, regs 36, 45 or 47(4): see PARAS 540, 567-568 post.

⁴ As to the Registrar General see PARAS 605-606 post.

⁵ Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 6(1).

⁶ As to the particulars to be recorded see PARAS 505-508 ante.

⁷ For the prescribed words indicating inadvertent reregistration see the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 6(2).

⁸ Ibid reg 6(2).

9 For the meaning of 'superintendent registrar' see PARA 505 note 15 ante.

10 Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 6(3).

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/2. EFFECTING REGISTRATION/(2) REGISTRATION OF BIRTHS/(i) Procedure for Registration/538. Place where particulars of births must be registered.

(2) REGISTRATION OF BIRTHS

(i) Procedure for Registration

538. Place where particulars of births must be registered.

Subject to the statutory provisions as to registration of births¹, the birth² of every child born in England or Wales must be registered by the registrar³ of births and deaths for the sub-district⁴ in which the child was born by entering in a register⁵ the prescribed particulars concerning the birth; and different registers must be kept and different particulars⁶ may be prescribed for live births and stillbirths⁷ respectively⁸. However, where a stillborn child is found exposed and no information as to the place of birth is available, the birth must be registered by the registrar for the sub-district in which the stillborn child is found⁹.

1 The Births and Deaths Registration Act 1953 Pt I (ss 1-14A) (as amended): see PARAS 505 ante, 539 et seq post.

2 For the meaning of 'birth' see PARA 504 note 5 ante.

3 For the meaning of 'registrar' see PARA 505 note 4 ante.

4 As to registration districts and sub-districts see PARA 619 post.

5 The Registrar General must provide the registers, which must be in the prescribed form: see the Births and Deaths Registration Act 1953 s 25; and PARAS 504 ante, 607 post.

6 As to the prescribed particulars see PARAS 505-506 ante.

7 For the meaning of 'live birth' and 'stillbirth' see PARA 504 note 5 ante.

8 Births and Deaths Registration Act 1953 s 1(1). As to the offence of omission to register see PARA 529 ante.

9 Ibid s 1(1) proviso (amended by the Children Act 1975 s 108(1), Sch 3 para 13(1)).

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/2. EFFECTING REGISTRATION/(2) REGISTRATION OF BIRTHS/(i) Procedure for Registration/539. Registration of births of abandoned children.

539. Registration of births of abandoned children.

Where the place and date of birth¹ of a child who was abandoned are unknown to, and cannot be ascertained by, the person who has charge of the child, that person may apply to the Registrar General² for the child's birth to be registered in accordance with the following provisions³. Application for registration may also be made by a person who has attained the

age of 18 and has not been adopted, if no entry relating to him can be traced in any register of births⁴.

On an application under these provisions the Registrar General must enter in a register maintained at the General Register Office⁵:

- 84 (1) as the child's place of birth, the registration district and sub-district⁶ where the child was found by the applicant or by any person from whom, directly or indirectly, the applicant took charge of the child or, in any other case, the registration district and sub-district where the child was abandoned⁷; and
- 85 (2) as the child's date of birth, the date which, having regard to evidence produced to the Registrar General, appears to be the most likely date of birth⁸; and
- 86 (3) such other particulars as may be prescribed⁹.

The Registrar General must not register a child's birth under these provisions if he is satisfied that the child was not born in England or Wales¹⁰, or the child has been adopted in pursuance of a court order made in the United Kingdom, the Isle of Man or the Channel Islands¹¹, or, subject to the following provisions for reregistration, the child's birth is known to have been previously registered under the Births and Deaths Registration Act 1953¹².

On the application of a person having the charge of a child whose birth was originally registered under the previous statutory provision relating to newborn children found exposed¹³, or by any such child who has attained the age of 18 years, the Registrar General must reregister the birth of the child under the above provisions, and must direct the officer having custody of the register of births in which the entry relating to the child was previously made to enter in the margin of the register a reference to the reregistration of the birth¹⁴.

1 For the meaning of 'birth' see PARA 504 note 5 ante.

2 As to the Registrar General see PARAS 605-606 post.

3 Births and Deaths Registration Act 1953 s 3A(1) (s 3A added by the Children Act 1975 s 92).

4 See the Births and Deaths Registration Act 1953 s 3A(4) (as added: see note 3 supra).

5 As to the General Register Office see PARA 605 post.

6 As to registration districts and sub-districts see PARA 619 post.

7 Births and Deaths Registration Act 1953 s 3A(2)(a) (as added: see note 3 supra).

8 Ibid s 3A(2)(b) (as added: see note 3 supra).

9 Ibid s 3A(2)(c) (as added: see note 3 supra). As to the prescribed particulars see the Registration of Births and Deaths Regulations 1987, SI 1987/2088, regs 2(2)(b), 29, Sch 2, Form 8; and PARA 505 ante.

10 Births and Deaths Registration Act 1953 s 3A(3)(a) (as added: see note 3 supra).

11 Ibid s 3A(3)(b) (as added: see note 3 supra). The adoption must be in pursuance of a court order made in the United Kingdom, the Isle of Man or the Channel Islands: s 3A(3)(b) (as so added). 'United Kingdom' means Great Britain and Northern Ireland: Interpretation Act 1978 s 5, Sch 1. 'Great Britain' means England, Scotland and Wales: Union with Scotland Act 1706, preamble art I; Interpretation Act 1978 s 22(1), Sch 2 para 5(a). Neither the Channel Islands nor the Isle of Man are within the United Kingdom. See further CONSTITUTIONAL LAW AND HUMAN RIGHTS vol 8(2) (Reissue) PARA 3.

12 Ibid s 3A(3)(c) (as added: see note 3 supra).

13 Ie by virtue of ibid s 1(1) proviso (as originally enacted). That section as originally enacted referred to 'a living new-born child' instead of 'a stillborn child'. As to s 1(1) as amended see PARA 538 ante.

14 Ibid s 3A(5) (as added: see note 3 supra). As to the manner in which the previous entry is to be noted see the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 30.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/2. EFFECTING REGISTRATION/(2) REGISTRATION OF BIRTHS/(i) Procedure for Registration/540. Registration of stillbirths.

540. Registration of stillbirths.

Where the relevant registrar¹ receives personally² at any time before the expiration of three months from the date of any stillbirth³, or from the date when any stillborn child is found exposed, information from any qualified informant⁴ of the particulars required to be registered concerning the birth, the registrar must register the birth and the particulars, if not previously registered, in the prescribed manner⁵, without any fee or reward from the informant⁶.

Where a registrar is given information of an alleged stillbirth and he has reason to believe that the child was born alive, he must report the matter to the coroner on an approved form⁷. He must not register a stillbirth which has to his knowledge been reported to the coroner until he has received either a coroner's certificate after inquest or a notification from the coroner that he does not intend to hold an inquest⁸.

In the case of a stillbirth in respect of which a certificate⁹ or a declaration¹⁰ in the prescribed form has been delivered to the relevant registrar, a report has not been, and is not required to be, made to the coroner, and before the expiration of three months from the date of the stillbirth the relevant registrar receives personally from a qualified informant information of the particulars required to be registered concerning the birth, the relevant registrar must forthwith register the birth and the particulars, if not previously registered, in the presence of the informant¹¹.

Where, before the expiration of three months from the date of a stillbirth which has not already been registered, the relevant registrar receives from a coroner notification that he does not intend to hold an inquest, the registrar must take such action as may be required to register the stillbirth and the particulars on the prescribed form in the presence of a qualified informant¹². Where the coroner certifies in his notification that an examination made by his direction has disclosed that the child was stillborn or that there was not sufficient evidence to show that the child was born alive, and delivers to the registrar a certificate showing the result of the examination, the registrar must enter the cause of death precisely as stated in the certificate, followed by the prescribed words¹³. A stillbirth may not, however, be so registered after the expiration of three months from its date¹⁴.

Where, before the expiration of three months from the date of a stillbirth, the relevant registrar receives a coroner's certificate after inquest from which it appears that the child was stillborn or that there was not sufficient evidence to show that the child was born alive, the registrar must forthwith register the stillbirth and the particulars (whether or not already registered) in the prescribed manner¹⁵.

1 'Relevant registrar' and 'relevant superintendent registrar', in relation to the registration of a birth or death, mean the registrar of the sub-district, and the superintendent registrar of the district, in which the birth or death occurred: Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 2(1). As to registration districts and sub-districts see PARA 619 post.

2 As to the giving of information to the relevant registrar by means of a declaration made before another person see PARA 548 post.

3 For the meaning of 'stillbirth' and 'still-born child' see PARA 504 note 5 ante.

4 As to qualified informants see PARAS 547-548 post.

5 See the Registration of Births and Deaths Regulations 1987, SI 1987/2088, Pt VIII (regs 31-37) (as amended); and PARAS 506 ante, 550 post. Where a qualified informant, giving information relating to the registration of a stillbirth which occurred in Wales, elects for the required particulars to be entered in Welsh as well as English, the registrar must enter those particulars accordingly, provided that (1) the informant gives the requisite information either personally to the relevant registrar, or by declaration under the Births and Deaths Registration Act 1953 s 9 (as amended) before a registrar in Wales; and (2) the informant gives such information in Welsh and the officer to or before whom he gives it can understand and write Welsh: Registration of Births and Deaths (Welsh Language) Regulations 1987, SI 1987/2089, reg 5(2), (2A) (respectively substituted and added by SI 1997/844).

6 Births and Deaths Registration Act 1953 s 5 (amended by the Registration of Births, Deaths and Marriages (Fees) Order 1968, SI 1968/1242, art 4(1), Sch 2; and the Children Act 1975 s 108(1)(a), Sch 3 para 13(1)). A registrar must not register a stillbirth of which he is an informant: Registration of Births, Deaths and Marriages Regulations 1968, SI 1968/2049, reg 9(1)(a).

7 Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 33(1) (amended by SI 1997/844).

8 Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 33(2).

9 Is the certificate to be signed, pursuant to the Births and Deaths Registration Act 1953 s 11(1)(a) (as substituted and amended) by a registered medical practitioner or a registered midwife: see PARA 550 post.

10 Is the form of declaration to be made by a qualified informant pursuant to *ibid* s 11(1)(b) (as amended) where no medical certificate is available: see PARA 550 post.

11 Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 34(1). The particulars required must be entered in Sch 2, Form 9, spaces 1-13; and regs 7(2), 9, 10 apply to the completion of Sch 2, Form 9 as they apply to the completion of Sch 2, Form 1 (as substituted) but with any necessary modifications: see reg 34(1), (2) (amended by SI 1994/1948). In relation to a stillbirth registered in Wales, the prescribed form is the Registration of Births and Deaths (Welsh Language) Regulations 1987, SI 1987/2089, Sch 2, Form 7.

12 Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 35(1). The particulars required must be entered must in Sch 2, Form 9, spaces 1-13 in accordance with reg 34(2) (as amended: see note 23 *supra*) or, if a declaration is made for the purpose of the Births and Deaths Registration Act 1953 s 9(1) (as amended) (see PARA 548 post), in accordance with the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 34A(4) (as added) (see PARA 550 post): reg 35(1) (amended by SI 1997/844).

13 See the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 35(2). The prescribed words are: 'Certified by ... after post-mortem held by direction of ...', inserting respectively the name, surname and qualification of the registered medical practitioner who made the examination and the name, surname and description of the coroner: reg 35(2). For the meaning of 'coroner' see PARA 514 note 4 ante.

14 *Ibid* reg 35(3).

15 *Ibid* reg 36(1). For the manner of entry onto Sch 2, Form 9 see reg 36(1)(a)-(f) (amended by SI 1994/1948). Where, in any case to which the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 36 (as so amended) applies, the registrar ascertains that an entry in respect of the child has previously been made in any register of live births, stillbirths or deaths he must, after registering the stillbirth in accordance with reg 36 (as so amended): (1) if the previous entry is in a stillbirth register in his custody, write in the margin of the previous entry the words 'Reregistered on coroner's certificate at entry No ...', inserting the number of the new entry; (2) if the previous entry is in a live birth or death register in his custody, write in the margin of the previous entry the words 'This entry relates to a stillbirth and is registered at entry No ... in the stillbirth register No ...', inserting the numbers of the new entry and of the register; (3) if the previous entry is in a live birth or death register in the custody of a superintendent registrar, give him a copy of the new entry together with particulars of the previous entry whereupon the superintendent registrar must write in the margin of the previous entry the words 'This entry relates to a stillbirth and is registered at entry No ... in the stillbirth register No ...', inserting the numbers of the new entry and of the register; (4) if the previous entry is in a stillbirth register in the custody of the Registrar General, send to the Registrar General a copy of the new entry together with particulars of the previous entry: reg 37. For the meaning of 'superintendent registrar' see PARA 505 note 15 ante; and as to the Registrar General see PARAS 605-606 post.

UPDATE

540 Registration of stillbirths

NOTES 11, 12, 15--SI 1987/2088 Sch 2 Form 9 substituted; SI 1987/2089 Sch 2 Form 7 substituted: SI 2009/2165.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/2. EFFECTING REGISTRATION/(2) REGISTRATION OF BIRTHS/(i) Procedure for Registration/541. Registration of live births within three months of birth.

541. Registration of live births within three months of birth.

Where the relevant registrar¹ receives personally² at any time before the expiration of three months from the date of the birth³ of any child information from any qualified informant⁴ of the particulars required to be registered concerning the birth⁵, the registrar must forthwith register the birth and the particulars, if not previously registered, in the prescribed form and manner⁶, without any fee or reward from the informant⁷.

1 For the meaning of 'registrar' see PARA 505 note 4 ante; and for the meaning of 'relevant registrar' see PARA 540 note 1 ante.

2 As to the giving of information to the relevant registrar by means of a declaration made before another person see PARA 548 post. In a case where not more than three months have elapsed from the date of birth, the declaration may be made before any registrar other than the relevant registrar: see PARA 548 head (1) post.

3 For the meaning of 'birth' see PARA 504 note 5 ante.

4 As to qualified informants see PARAS 547-548 post.

5 As to the particulars required to be registered see PARAS 505-506 ante.

6 As to the manner of registration of live births see the Registration of Births and Deaths Regulations 1987, SI 1987/2088, regs 7-10; and PARA 505 ante. Where a qualified informant, giving information relating to the registration of a birth which occurred in Wales, elects for the required particulars to be entered in Welsh as well as English, the registrar must enter those particulars accordingly provided that (1) the informant gives the requisite information either personally, before the expiration of three months from the date of the birth of the child, to the relevant registrar, or by declaration under the Births and Deaths Registration Act 1953 ss 6 or 9 (as amended) (see PARAS 542, 548 post), before a superintendent registrar or registrar in Wales; and (2) the informant gives such information in Welsh and the officer to or before whom he gives it can understand and write Welsh: Registration of Births and Deaths (Welsh Language) Regulations 1987, SI 1987/2089, reg 4(1), (2).

7 Births and Deaths Registration Act 1953 s 5 (amended by the Registration of Births, Deaths and Marriages (Fees) Order 1968, SI 1968/1242, art 4(1), Sch 2; and the Children Act 1975 s 108(1)(a), Sch 3 para 13(1)). A registrar must not register a birth of which he is an informant: Registration of Births, Deaths and Marriages Regulations 1968, SI 1968/2049, reg 9(1)(a).

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/2. EFFECTING REGISTRATION/(2) REGISTRATION OF BIRTHS/(i) Procedure for Registration/542. Registration of live births after three months from birth.

542. Registration of live births after three months from birth.

Where the live birth of a child has not been registered after the expiration of three months from the date of the birth¹, the registrar² may by written notice require any qualified informant³:

- 87 (1) to attend personally⁴ at the district register office before a specified date⁵;

- 88 (2) to make a declaration⁶ before the superintendent registrar⁷ of the particulars required to be registered concerning the birth, according to the best of the declarant's knowledge and belief⁸; and
- 89 (3) to sign the register in the presence of the registrar and superintendent registrar⁹.

Where a qualified informant attends before a superintendent registrar pursuant to these provisions for the purpose of the registration of a live birth which occurred in his district more than three months but not more than 12 months previously, the superintendent registrar must:

- 90 (a) enter in the declaration mentioned in head (2) above the particulars required to be registered concerning the birth, using an approved form for the purpose;
- 91 (b) show or read the declaration to the informant and correct any error or omission, requiring the informant to initial any amendment and then to sign the declaration;
- 92 (c) attest it himself; and
- 93 (d) deliver to the relevant registrar¹⁰ the declaration and a copy of the draft entry¹¹.

Where it appears to the registrar that the particulars contained in the draft entry or declaration are in any material respect not proper to be registered, the superintendent registrar must, in the presence of the informant, amend any error by striking out any incorrect particulars and inserting the correct particulars, and the correction to the declaration must be initialled by the informant¹². Subject to that, the registrar must, on receiving the declaration, forthwith register the birth in the presence of the informant and of the superintendent registrar¹³. The superintendent registrar, the registrar and the declarant must each sign the entry¹⁴.

These provisions do not apply to a stillbirth¹⁵.

Save as expressly provided¹⁶, a registrar must not register the birth of any child after the expiration of three months from the date of birth; and any person who does so, or causes any birth to be registered, in contravention of this prohibition is liable on summary conviction to a fine not exceeding level 1 on the standard scale¹⁷.

1 A registrar has access at all reasonable times to notices of births received by a health authority for the purposes of obtaining information concerning births which have occurred in his sub-district: see the National Health Service Act 1977 s 124(7) (as amended); and PARAS 545-546 post.

2 For the meaning of 'registrar' see PARA 505 note 4 ante.

3 As to qualified informants see PARA 547 post.

4 As to the giving of information to the relevant registrar by means of a declaration made before another person see PARA 548 post. In a case where more than three months have elapsed from the date of birth, the declaration may be made before any superintendent registrar other than the relevant superintendent registrar: see PARA 548 head (2) post.

5 Births and Deaths Registration Act 1953 s 6(1)(a) (amended by the Children Act 1975 s 108(1)(b), Sch 4 Pt VI). The date of attendance must not be less than seven days after receipt of the notice nor more than 12 months after the date of the birth: Births and Deaths Registration Act 1953 s 6(1)(a) (as so amended).

6 See heads (a)-(d) in the text.

7 For the meaning of 'superintendent registrar' see PARA 505 note 15 ante.

8 Births and Deaths Registration Act 1953 s 6(1)(b). As to the particulars to be registered see PARA 505 ante.

9 Ibid s 6(1)(c).

10 For the meaning of 'relevant registrar' see PARA 540 note 1 ante.

11 Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 11(1) (amended by SI 1992/2753). The draft entry must be prepared in accordance with the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 3 (as substituted) (see PARA 536 ante); reg 11(1) (as so amended).

12 Ibid reg 11(2) (substituted by SI 1992/2753).

13 Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 11(3).

14 Births and Deaths Registration Act 1953 s 6(2).

15 Ibid s 6(4). For the meaning of 'stillbirth' see PARA 504 note 5 ante.

16 Ie by ibid ss 6, 7 (as amended): see the text and notes 1-9 supra; and PARA 543 post.

17 Ibid s 8 (amended by the Children Act 1975 Sch 4 Pt VI; the Criminal Law Act 1977 s 31(6), (9); and by virtue of the Criminal Justice Act 1982 s 46). As to the standard scale see PARA 528 note 2 ante.

UPDATE

542 Registration of live births after three months from birth

TEXT AND NOTE 11--SI 1987/2088 reg 11(1) further amended: SI 2006/2827.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/2. EFFECTING REGISTRATION/(2) REGISTRATION OF BIRTHS/(i) Procedure for Registration/543. Registration of live births after twelve months from birth.

543. Registration of live births after twelve months from birth.

A live birth may not be registered where 12 months have expired from the date of the birth except with the written authority of the Registrar General¹ and in the prescribed² manner and subject to the prescribed conditions, and the fact that such authority has been obtained must be entered in the register³. This provision does not apply in the case of a stillbirth⁴.

Where the relevant registrar or superintendent registrar⁵ is informed that a live birth which occurred more than 12 months previously has not been registered, he must make a report to the Registrar General stating, to the best of his knowledge and belief:

- 94 (1) the particulars required to be registered concerning the birth⁶;
- 95 (2) the source of his information; and
- 96 (3) the name⁷, surname and address of any qualified informant⁸ available to give information for the registration⁹.

On being satisfied that the Registrar General has issued his written authority to the relevant registrar for the registration of the birth, the relevant superintendent registrar must require a qualified informant to make and sign in his presence a declaration of the particulars to be registered concerning the birth¹⁰.

Save as expressly provided¹¹, a registrar must not register the birth of any child after the expiration of three months from the date of birth; and any person who does so, or causes any birth to be registered, in contravention of this prohibition is liable on summary conviction to a fine not exceeding level 1 on the standard scale¹².

- 1 As to the Registrar General see PARAS 605-606 post.
- 2 For the meaning of 'prescribed' see PARA 504 note 6 ante.
- 3 Births and Deaths Registration Act 1953 s 7(1) (amended by the Children Act 1975 s 108(1)(b), Sch 4 Pt VI). See also the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 12(3).
- 4 Births and Deaths Registration Act 1953 s 7(3). For the meaning of 'stillbirth' see PARA 504 note 5 ante.
- 5 For the meaning of 'relevant registrar' and 'relevant superintendent registrar' see PARA 540 note 1 ante.
- 6 As to the particulars required to be registered see PARA 505 ante.
- 7 For the meaning of 'name' see PARA 505 note 6 ante.
- 8 As to qualified informants see PARA 547 post.
- 9 Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 12(1).
- 10 Ibid reg 12(2).
- 11 Ie by the Births and Deaths Registration Act 1953 ss 6, 7 (as amended): see the text and notes 1-4 supra; and PARA 542 ante.
- 12 Ibid s 8 (amended by the Children Act 1975 Sch 4 Pt VI; the Criminal Law Act 1977 s 31(6), (9); and by virtue of the Criminal Justice Act 1982 s 46). As to the standard scale see PARA 528 note 2 ante.

UPDATE

543 Registration of live births after twelve months from birth

NOTE 3--SI 1987/2088 reg 12(3) amended: SI 2006/2827.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/2. EFFECTING REGISTRATION/(2) REGISTRATION OF BIRTHS/(i) Procedure for Registration/544. Alteration or giving of name after registration of a live birth.

544. Alteration or giving of name after registration of a live birth.

Where, before the expiration of 12 months from the date of the registration of the birth¹ of any child, the name by which he was registered is altered or, if he was registered without a name, a name is given to the child, the registrar or superintendent registrar² having the custody of the register in which the birth was registered must forthwith enter in the register³, upon delivery to him at any time of a certificate⁴ in the prescribed form⁵, the name mentioned in the certificate as having been given to the child⁶. After stating upon the certificate the fact that the entry has been made, the registrar or superintendent registrar must forthwith send the certificate to the Registrar General⁷ together with a certified copy of the entry of the birth with the name so added⁸. These provisions do not apply in relation to a stillborn child⁹.

- 1 For the meaning of 'birth' see PARA 504 note 5 ante. However see the text and note 9 infra.
- 2 For the meaning of 'registrar' and 'superintendent registrar' see PARA 505 notes 4, 15 ante.
- 3 The original entry must not be erased: Births and Deaths Registration Act 1953 s 13(1).
- 4 If the name was altered or given in baptism, the certificate must be signed either by the person who performed the rite of baptism or the person having custody of the register, if any, in which the baptism is recorded: ibid s 13(1)(a). In either case, that person must issue the certificate on payment of a prescribed fee

which, as at 1 April 1998, is not to exceed £1: see s 13(2) (amended by the Registration of Births, Deaths and Marriages (Fees) Order 1997, SI 1997/2939, art 2, Schedule). If a name has not been given to the child in baptism, the certificate must be signed by the father, mother or guardian of the child, or other person procuring the name to be altered or given: Births and Deaths Registration Act 1953 s 13(1)(b).

5 For the forms of certificate see the Registration of Births and Deaths Regulations 1987, SI 1987/2088, regs 2(2)(b), 14(1), Sch 2, Form 3 (where name was altered or given in baptism), Sch 2, Form 4 (where name was otherwise altered or given); or, where the birth is registered in Wales, the Registration of Births and Deaths (Welsh Language) Regulations 1987, SI 1987/2089, reg 2(a), Sch 2, Forms 3, 4 as appropriate (reg 2(a) amended by SI 1992/1504).

6 Births and Deaths Registration Act 1953 s 13(1) (amended by the Registration of Births, Deaths and Marriages (Fees) Order 1968, SI 1968/1242, arts 3, 4(1), Schedule). For the method and place of entry in the register of births by the registrar see the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 14(2) (amended by SI 1991/2275). Where a superintendent registrar or registrar makes an entry under these provisions in an entry of birth which has been completed in Welsh as well as in English, he must add the Welsh version of the prescribed words: see the Registration of Births and Deaths (Welsh Language) Regulations 1987, SI 1987/2089, reg 4(3).

7 As to the Registrar General see PARAS 605-606 post.

8 Births and Deaths Registration Act 1953 s 13(1).

9 Ibid s 13(4).

UPDATE

544 Alteration or giving of name after registration of a live birth

TEXT AND NOTES--Copies of entries in the registers of birth and deaths may be communicated and stored in an approved electronic form: Births and Deaths Registration Act 1953 s 13 (modified by SI 2006/2809).

See further Births and Deaths Registration Act 1953 s 13(1ZA) (added by Human Fertilisation and Embryology Act 2008 Sch 6 para 8).

NOTE 4--SI 1997/2939 replaced without amendment to £1 maximum fee: see now Registration of Births, Deaths and Marriages (Fees) Order 2002, SI 2002/3076, Schedule.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/2. EFFECTING REGISTRATION/(2) REGISTRATION OF BIRTHS/(i) Procedure for Registration/545. Duty to notify births.

545. Duty to notify births.

In addition to the requirements of any Act relating to the registration of births¹, it is the duty of the father of every child born², if at the time of the birth he is actually residing on the premises where the birth takes place³, and of any person in attendance upon the mother at the time of, or within six hours after, the birth⁴, to give notice of the birth⁵ to the health authority⁶ for the area in which the birth takes place⁷.

Any person who fails to give notice of a birth in accordance with this requirement is liable on summary conviction to a fine not exceeding level 1 on the standard scale, unless he satisfies the court that he believed, and had reasonable grounds for believing, that notice had been duly given by some other person⁸.

- 1 Eg the requirements of the Births and Deaths Registration Act 1953: see PARAS 541-543 ante.
- 2 This provision applies to any child which has issued forth from its mother after the expiry of the twenty-eighth week of pregnancy, whether alive or dead: National Health Service Act 1977 s 124(4).
- 3 Ibid s 124(4)(a).
- 4 Ibid s 124(4)(b).
- 5 See PARA 546 post.
- 6 As to the establishment of health authorities see the National Health Service Act 1977 s 8 (as substituted); and HEALTH SERVICES vol 54 (2008) PARA 75 et seq.
- 7 Ibid s 124(4) (amended by the Health Services Act 1980 s 1, Sch 1 para 75(b); and the Health Authorities Act 1995 s 2(1), Sch 1 paras 1, 55(b)). As to the notification of births in aircraft see AIR LAW vol 2 (2008) PARAS 870-871.
- 8 National Health Service Act 1977 s 124(6) (amended by virtue of the Criminal Justice Act 1982 s 46). Proceedings may not be taken without the written consent of the Attorney General by any person other than a party aggrieved or the health authority concerned: National Health Service Act 1977 s 124(6) (amended by the Health Services Act 1980 Sch 1 para 75(d); and the Health Authorities Act 1995 Sch 1 paras 1, 55(d)). As to the standard scale see PARA 528 note 2 ante.

UPDATE

545 Duty to notify births

TEXT AND NOTES--See now National Health Service Act 2006 ss 269, 270, National Health Service (Wales) Act 2006 ss 200, 201; and HEALTH SERVICES vol 54 (2008) PARA 135.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/2. EFFECTING REGISTRATION/(2) REGISTRATION OF BIRTHS/(i) Procedure for Registration/546. Notice of birth.

546. Notice of birth.

Notice of birth¹ must be given either by posting within 36 hours after the birth a prepaid letter or postcard addressed to the health authority² at its offices and containing the required information³, or by delivering within that period at those offices a written notice containing the required information⁴. A health authority must supply without charge prepaid addressed envelopes together with the forms of notice to any medical practitioner or midwife residing or practising within its area who applies to the authority⁵.

For the purpose of obtaining information concerning births which have occurred in his sub-district, a registrar of births and deaths has access at all reasonable times to notices of births so received by a health authority or to any book in which those notices may be recorded⁶.

- 1 ie under the National Health Service Act 1977 s 124(4) (as amended): see PARA 545 ante.
- 2 As to the establishment of health authorities see ibid s 8 (as substituted); and HEALTH SERVICES vol 54 (2008) PARA 75 et seq.
- 3 Ibid s 124(5)(a) (amended by the Health Services Act 1980 s 1, Sch 1 para 75; and the Health Authorities Act 1995 s 2(1), Sch 1 paras 1, 55(c)).
- 4 National Health Service Act 1977 s 124(5)(b) (amended by the Health Authorities Act 1995 Sch 1 paras 1, 55(c)).

5 National Health Service Act 1977 s 124(5) (as amended: see note 3 supra; further amended by the Health Authorities Act 1995 s 5, Sch 3).

6 National Health Service Act 1977 s 124(7) (amended by the Health Authorities Act 1995 Sch 1 paras 1, 55(e)). As to the duties of registrars of births and deaths generally see PARAS 538 et seq ante, 548 et seq post.

UPDATE

546 Notice of birth

TEXT AND NOTES--See now National Health Service Act 2006 ss 269, 270, National Health Service (Wales) Act 2006 ss 200, 201; and HEALTH SERVICES vol 54 (2008) PARA 135.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/2. EFFECTING REGISTRATION/(2) REGISTRATION OF BIRTHS/(ii) Information/547. Persons qualified to give information.

(ii) Information

547. Persons qualified to give information.

Information of the particulars required to be registered¹ concerning the birth² of a child may be given by:

- 97 (1) the father and mother³ of the child⁴;
- 98 (2) the occupier of the house in which to his knowledge the child was born⁵;
- 99 (3) any person present at the birth⁶;
- 100 (4) any person having charge of the child⁷; and
- 101 (5) in the case of a stillborn child⁸ found exposed, the person finding the child⁹.

1 As to the particulars required to be registered see PARAS 505-506 ante.

2 For the meaning of 'birth' see PARA 504 note 5 ante. However see the text and notes 8-9 infra.

3 For the meaning of 'father' and 'mother' in relation to an adopted child see PARA 517 note 6 ante. As to giving of information by the father of a child whose parents are not married to each other see the Births and Deaths Registration Act 1953 s 10 (as substituted); and PARA 505 ante. Where, in the case of a child whose father and mother were not married to each other at the time of his birth, a person stating himself to be the father of the child makes a request to the registrar in accordance with s 10(1)(c)-(g) (s 10(1)(d) substituted, and s 10(1)(e)-(g) added, by the Children Act 1989 s 108(4), Sch 12 para 6) (see PARA 505 note 6 ante), he is treated as a qualified informant concerning the birth of the child for the statutory purposes: Births and Deaths Registration Act 1953 s 10(2)(a) (substituted by the Family Law Reform Act 1987 s 24; amended by the Children Act 1989 Sch 12 para 6). As to the offence of failure to give information concerning the birth of a child see PARA 532 ante.

4 Births and Deaths Registration Act 1953 s 1(2)(a).

5 Ibid s 1(2)(b).

6 Ibid s 1(2)(c).

7 Ibid s 1(2)(d). As to the method of giving information see PARA 548 post. As to the registration of births at sea and abroad see PARA 578 et seq post.

8 For the meaning of 'stillborn child' see PARA 504 note 5 ante.

⁹ See the Births and Deaths Registration Act 1953 s 1(2)(e) (added by the Children Act 1975 s 108(1)(a), Sch 3 para 13(2)). The requirement in this case is to give such of the particulars to be registered as the informant possesses: see PARA 550 post.

UPDATE

547 Persons qualified to give information

NOTE 3--See further Births and Deaths Registration Act 1953 s 10(2A) (added by Human Fertilisation and Embryology Act 2008 Sch 6 para 5(4)).

TEXT AND NOTE 4--See further Births and Deaths Registration Act 1953 s 1(3) (added by Human Fertilisation and Embryology Act 2008 Sch 6 para 2).

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/2. EFFECTING REGISTRATION/(2) REGISTRATION OF BIRTHS/(ii) Information/548. Method of giving information.

548. Method of giving information.

In the case of every birth¹ it is the duty of the father and mother² and, in the case of the death or inability of the father and mother, of each other qualified informant³, to give to the registrar⁴, before the expiration of a period of 42 days from the date of the birth, information of the particulars required to be registered concerning the birth⁵, and in the presence of the registrar to sign the register⁶. Alternatively, any person required to give information to the registrar concerning the birth may give it by making and signing in the presence of, and delivering to, the prescribed officer⁷ a declaration in writing of the particulars required to be registered concerning the birth⁸. The officer in whose presence such a declaration is made must send the declaration to the registrar who must enter the birth in the register in the prescribed manner⁹. In relation to a live birth, the officer before whom such a declaration may be made is:

- 102 (1) in a case where not more than three months have elapsed from the date of the birth, any registrar other than the relevant registrar¹⁰;
- 103 (2) in any other case, any superintendent registrar¹¹ other than the relevant superintendent registrar¹².

The officer before whom the declaration is to be made must:

- 104 (a) enter in the declaration the particulars required to be registered concerning the birth, using an approved form for the purpose;
- 105 (b) show or read the particulars entered on the form to the informant and correct any error or omission, requiring the informant to initial any amendment and then to sign the declaration;
- 106 (c) attest the declaration himself; and
- 107 (d) send the declaration to the relevant registrar¹³.

Where it appears to the relevant registrar that the particulars contained in the declaration are in any material respect not proper to be registered, he must return the declaration to the officer before whom it was attested together with a note of the matters in which it appears to need amendment, and that officer must then in the presence of the declarant amend any error by striking out any incorrect particulars and inserting the correct particulars¹⁴. Any amendment so made must be initialled by the declarant, and the declaration must be returned to the

relevant registrar¹⁵. On receiving the declaration the registrar must enter the particulars of the birth in the register in the prescribed manner¹⁶. If not more than three months have elapsed from the date of the birth, the registrar must enter the date on which the entry is made and must sign the entry, adding his official description¹⁷. If more than three but not more than 12 months have elapsed from the date of the birth, the registrar must make the entry in the presence of the relevant superintendent registrar and both officers must sign the entry and add their official descriptions¹⁸. If more than 12 months have elapsed since the date of the birth, the registrar must not make the entry until he has received the written authority of the Registrar General to register the birth¹⁹. On receiving that authority the registrar must make the entry in the presence of the relevant superintendent registrar, entering below the date of registration the words 'On the authority of the Registrar General'²⁰. The superintendent registrar and registrar must then sign the entry and must add their official descriptions²¹.

Special provision is made in relation to a stillbirth²².

1 For the meaning of 'birth' see PARA 504 note 5 ante.

2 As to the meaning of 'mother' and 'father' in the case of a child who is adopted see PARA 517 note 6 ante. As to the father of a child whose parents are not married to each other see PARAS 505 note 6, 547 note 3 ante. Where, in the case of a child whose father and mother were not married to each other at the time of his birth, a person stating himself to be the father of the child makes a request to the registrar in accordance with the Births and Deaths Registration Act 1953 s 10(1)(c)-(g) (s 10(1)(d) substituted, and s 10(1)(e)-(g) added, by the Children Act 1989 s 108(4), Sch 12 para 6) (see PARA 505 note 6 ante), the giving of information concerning the birth of the child by that person and the signing of the register by him in the presence of the registrar acts as a discharge of any duty of any other qualified informant under the Births and Deaths Registration Act 1953 s 2 (see the text and notes 3-6 infra): s 10(2)(b) (substituted by the Family Law Reform Act 1987 s 24; amended by the Children Act 1989 Sch 12 para 6).

3 As to qualified informants see PARA 547 ante.

4 For the meaning of 'registrar' see PARA 505 note 4 ante.

5 As to the particulars required to be registered see PARAS 505-506 ante.

6 Births and Deaths Registration Act 1953 s 2. If an inquest at which the child has been found to have been stillborn has been held before the expiration of 42 days and before the birth has been registered, s 2 ceases to apply: s 2 proviso (ii). A person giving information concerning a stillbirth must comply with s 11(1) (as amended): see PARA 550 post. For offences and penalties on making false statements as to births see PARA 534 ante. The giving of information and the signing of the register by any one qualified informant acts as a discharge of any duty under s 2 of every other qualified informant: s 2 proviso (i). See also note 2 supra.

7 For the meaning of 'prescribed' see PARA 504 note 6 ante. As to the prescribed officer see heads (1)-(2) in the text.

8 Births and Deaths Registration Act 1953 s 9(1) (amended by the Deregulation (Still-birth and Death Registration) Order 1996, SI 1996/2395, art 2(1), (2)). A request to register the father of a child where the parents are not married made under the Births and Deaths Registration Act 1953 s 10 (as substituted and amended) (see PARA 505 ante) may be included in a declaration under s 9(1) (as so amended); and if the request is made under s 10(1)(b) or (c) (as substituted), the documents required to be produced must be produced to the officer in whose presence the declaration is made and sent by him with the declaration to the registrar: s 9(4) (added by the Children Act 1975 s 93(3)).

9 Births and Deaths Registration Act 1953 s 9(2). An entry so made is deemed to have been signed by the person who signed the declaration and a person making such a declaration is deemed to have given information concerning the birth to the registrar and to have complied with any requirement of the registrar as to attending and giving such information: s 9(3).

10 For the meaning of 'relevant registrar' see PARA 540 note 1 ante.

11 For the meaning of 'superintendent registrar' see PARA 505 note 15 ante.

12 Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 13(1) (amended by SI 1997/884).

13 Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 13(2).

14 Ibid reg 13(3)(a).

15 Ibid reg 13(3)(b).

16 Ibid reg 13(4). In reg 2(2)(b), Sch 2, Form 8, spaces 1-13 (as substituted) (see PARA 505 ante), he must enter the particulars as appearing in the corresponding spaces of the declaration, except that where any particulars have been corrected in pursuance of reg 13(3) he must enter in the register only the particulars as corrected, omitting any incorrect particular which has been struck out and the initials of the declarant: reg 13(4) (a). In the space for the informant's signature (1) he must enter the name of the declarant in the form in which he signed the declaration and must add the words 'by declaration dated ...', inserting the date on which the declaration was made and signed; and (2) if, pursuant to the Births and Deaths Registration Act 1953 s 9(4) (as added), a request made under any of s 10(1)(b)-(g) (as amended) was included in the declaration, he must after the words required by head (1) supra make the same addition as, on completion of registration under the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 10, would be required under (as the case may be) any of reg 10(1)(b) (ii)-(vii): reg 13(4)(b) (amended by SI 1991/2275).

17 Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 13(5)(a).

18 Ibid reg 13(5)(b).

19 Ibid reg 13(5)(c)(i).

20 Ibid reg 13(5)(c)(ii), (iii).

21 Ibid reg 13(5)(c)(iv).

22 See PARA 550 post.

UPDATE

548 Method of giving information

NOTE 2--See further Births and Deaths Registration Act 1953 s 10(2A) (added by Human Fertilisation and Embryology Act 2008 Sch 6 para 5(4)).

TEXT AND NOTE 6--Births and Deaths Registration Act 1953 s 2 renumbered as s 2(1) and s 2(2) added: Human Fertilisation and Embryology Act 2008 Sch 6 para 3.

NOTE 8--1953 Act s 9(4) amended: Human Fertilisation and Embryology Act 2008 Sch 6 para 4. A request made under the 1953 Act s 10ZA (see PARA 505 NOTE 6) may be included in a declaration under s 9(1), and the documents required by s 9 to be produced must be produced to the officer in whose presence the declaration is made and sent by him with the declaration to the registrar: s 9(4A) (added by the Human Fertilisation and Embryology (Deceased Fathers) Act 2003 Schedule para 1).

TEXT AND NOTE 13--SI 1987/2088 reg 13(2) amended: SI 2006/2827.

NOTE 16--Head (2) also refers to a request made under the Births and Deaths Registration Act 1953 s 10(1B)(b), (c), (d), (e), or (f): SI 1987/2088 reg 13(4)(b) (amended by SI 2009/2165). Also, head (3) if, pursuant to the Births and Deaths Registration Act 1953 s 9(4A) (see NOTE 8), a request made under s 10ZA (see PARA 505 NOTE 6) was included in the declaration, he must after the words 'by declaration dated ...', add 'Pursuant to the Births and Deaths Registration Act 1953 s 10ZA': SI 1987/2088 reg 13(4)(b) (amended by SI 2003/3048).

TEXT AND NOTE 20--SI 1987/2088 reg 13(5)(c)(iii) amended: SI 2006/2827.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/2. EFFECTING REGISTRATION/(2) REGISTRATION OF BIRTHS/(ii) Information/549. Registrar's power to require information.

549. Registrar's power to require information.

Where after the expiration of 42 days from the date of the birth¹ of any child or from the date when any stillborn child² is found exposed, the birth has not been registered owing to the default of the persons required to give information concerning it³, the registrar⁴ may by notice⁵ in writing require any qualified informant⁶:

- 108 (1) to attend personally at the registrar's office or some other appointed place within his sub-district⁷ before such date as may be specified in the notice, not being less than seven days after the receipt of the notice nor more than three months after the date of the birth or the finding⁸;
- 109 (2) to give information to the best of that person's knowledge and belief of the particulars required to be registered concerning the birth⁹; and
- 110 (3) to sign the register in the presence of the registrar¹⁰.

Any such requirement ceases to have effect if, before the date specified in the notice and before the person to whom the notice is given complies with it, the birth is duly registered¹¹.

1 For the meaning of 'birth' see PARA 504 note 5 ante.

2 For the meaning of 'stillborn child' see PARA 504 note 5 ante. As to the information required concerning a stillbirth see PARA 550 post.

3 As to the persons so required see PARA 547 ante.

4 For the meaning of 'registrar' see PARA 505 note 4 ante.

5 The notice may be sent by post: Births and Deaths Registration Act 1953 s 40.

6 As to qualified informants see PARA 547 ante.

7 As to registration sub-districts see PARA 619 post.

8 Births and Deaths Registration Act 1953 s 4(a) (amended by the Children Act 1975 s 108(1)(a), Sch 3 para 13(1)).

9 Births and Deaths Registration Act 1953 s 4(b). As to the particulars required to be registered see PARA 505 ante.

10 Ibid s 4(c).

11 Ibid s 4 proviso. As to the offence of wilful refusal to answer questions put by a registrar in respect of a birth see PARA 532 ante.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/2. EFFECTING REGISTRATION/(2) REGISTRATION OF BIRTHS/(ii) Information/550. Stillbirths.

550. Stillbirths.

Where any stillborn child¹ is found exposed, it is the duty of the person finding the child to give to the best of his knowledge and belief to the relevant registrar², before the expiration of 42 days from the date on which the child was found, such information of the particulars required to be registered concerning the child³ as the informant possesses, and in the presence of the registrar to sign the register⁴.

Any qualified informant⁵ giving information to the registrar of the particulars required to be registered concerning a stillbirth must, upon giving that information, either:

- 111 (1) deliver to the registrar a certificate in the prescribed form⁶ signed by a registered medical practitioner⁷ who was present at the birth or has examined the body of the child, or, if no such practitioner was so present or has examined the body, by a registered midwife⁸ who was so present or has examined the body, stating that the child was not born alive and where possible stating to the best of the knowledge and belief of the person signing it the cause of death and the estimated duration of the pregnancy⁹; or
- 112 (2) make a declaration in the prescribed form¹⁰ to the effect that no registered medical practitioner or registered midwife was present at the birth or has examined the body, or that his or her certificate cannot be obtained and that the child was not born alive¹¹.

Every such medical practitioner or midwife who is present at a stillbirth or examines the body of a stillborn child must, at the request of any person who is a qualified informant as to the birth, give to that person a certificate for these purposes¹². Where information of the particulars required to be registered concerning a stillbirth is given by means of a declaration in writing¹³, heads (1) and (2) above apply to the person by whom the declaration is made as if the references to the registrar were to the officer in whose presence the declaration is made¹⁴ and that officer must send the certificate delivered, or the declaration made, to the registrar¹⁵. The officer before whom the declaration is to be made must:

- 113 (a) enter in the declaration the particulars required to be registered concerning the stillbirth, using an approved form for the purpose;
- 114 (b) show or read the particulars entered on the form to the informant and correct any error or omission, requiring the informant to initial any amendment and then to sign the declaration;
- 115 (c) attest the declaration himself; and
- 116 (d) send the declaration and either the certificate mentioned in head (1) above or the declaration mentioned in head (2) above to the relevant registrar¹⁶.

Except in a case where the matter has been referred to the coroner¹⁷, where it appears to the relevant registrar that the particulars contained in the declaration are in any material respect not proper to be registered, he must return the declaration to the officer before whom it was attested together with a note of the matters in which it appears to need amendment, and that officer must then in the presence of the declarant amend any error by striking out any incorrect particulars and inserting the correct particulars¹⁸. Any amendment so made must be initialled by the declarant and the declaration must be returned to the relevant registrar¹⁹. On receiving the declaration and either the certificate or the declaration, the registrar must enter the particulars of the birth in the register in the prescribed manner²⁰.

Subject to these provisions, and to certain prescribed exceptions²¹, the provisions of the Births and Deaths Registration Act 1953 relating to the registration or entry of the birth of a child born alive apply to the registration of a stillbirth²².

1 For the meaning of 'stillborn' see PARA 504 note 5 ante.

- 2 For the meaning of 'registrar' see PARA 505 note 4 ante; and for the meaning of 'relevant registrar' see PARA 540 note 1 ante.
- 3 As to the particulars required to be registered see PARA 506 ante.
- 4 Births and Deaths Registration Act 1953 s 3 (amended by the Children Act 1975 s 108(1), Sch 3 para 13(1), Sch 4 Pt VI).
- 5 As to qualified informants see PARA 547 ante.
- 6 For the meaning of 'prescribed' see PARA 504 note 6 ante. For the prescribed form see the Registration of Births and Deaths Regulations 1987, SI 1987/2088, regs 2(2)(b), 32(1), Sch 2, Form 10; and, in relation to births registered in Wales, the Registration of Births and Deaths (Welsh Language) Regulations 1987, SI 1987/2089, reg 2(a), Sch 2, Form 8.
- 7 For the meaning of 'registered medical practitioner' see MEDICAL PROFESSIONS vol 30(1) (Reissue) PARA 4.
- 8 For the meaning of 'registered midwife' see MEDICAL PROFESSIONS vol 30(1) (Reissue) PARA 717.
- 9 Births and Deaths Registration Act 1953 s 11(1)(a) (substituted by the Population Statistics Act 1960 s 2(1); amended by the Nurses, Midwives and Health Visitors Act 1979 s 23(4), Sch 7 para 7).
- 10 For the prescribed form see the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 32(2), Sch 2, Form 11 or, where the stillbirth is registered in Wales, the Registration of Births and Deaths (Welsh Language) Regulations 1987, SI 1987/2089, reg 2(a), Sch 2, Form 9 (respectively amended and substituted by SI 1992/1504; and SI 1995/818).
- 11 Births and Deaths Registration Act 1953 s 11(1)(b) (amended by the Nurses, Midwives and Health Visitors Act 1979 Sch 7 para 7). The place and date at which a stillborn child is found exposed must be entered on the relevant form: see the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 34(2); and PARA 506 ante. For the offences and penalties on making false statements as to stillbirths see PARA 534 ante. As to concealment of birth see CRIMINAL LAW, EVIDENCE AND PROCEDURE vol 11(1) (2006 Reissue) PARAS 113-114.
- 12 Births and Deaths Registration Act 1953 s 11(1A) (added by the Population Statistics Act 1960 s 2(2)).
- 13 In accordance with the Births and Deaths Registration Act 1953 s 9(1) (as amended): see PARA 548 ante.
- 14 That officer is any registrar other than the relevant registrar: Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 34A(1) (reg 34A added by SI 1997/844).
- 15 Births and Deaths Registration Act 1953 s 11(1B) (added by the Deregulation (Still-birth and Death Registration) Order 1996, SI 1996/2395, art 2(1), (3)).
- 16 Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 34A(2) (as added: see note 14 supra).
- 17 In a case to which *ibid* reg 33 (as amended) applies: see PARA 540 ante.
- 18 *Ibid* reg 34A(3)(a) (as added: see note 14 supra).
- 19 *Ibid* reg 34A(3)(b) (as added: see note 14 supra).
- 20 See *ibid* reg 34A(4) (as added: see note 14 supra).
- 21 See the Births and Deaths Registration Act 1953 s 6(4); and PARA 542 ante; s 7(3); and PARA 543 ante; s 30(3); and PARA 522 ante. Filled registers of stillbirths are not deposited with the superintendent registrar but are sent to the Registrar General: see s 28(3); and PARA 521 ante. The provisions relating to short certificates do not apply to stillbirths: see PARA 525 ante.
- 22 See the definition of 'birth' in PARA 504 note 5 ante; and *ibid* s 1(1); and PARA 538 ante.

UPDATE

550 Stillbirths

TEXT AND NOTE 16--SI 1987/2088 reg 34A(2) amended: SI 2006/2827.

NOTE 20--SI 1987/2088 reg 34A(4) amended: SI 2003/3048, SI 2009/2165.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/2. EFFECTING REGISTRATION/(2) REGISTRATION OF BIRTHS/(ii) Information/551. Registrar's duty to give certificate of registration.

551. Registrar's duty to give certificate of registration.

At the time of registering the birth¹ of any child the registrar², if so required by the informant of the birth³, must give to him a certificate under his hand in the prescribed form⁴ that he has registered the birth⁵. On registering a stillbirth⁶ he must, if so required, also give either to the informant or to the person who has control over, or who ordinarily effects the disposal of bodies at, the place at which it is intended to dispose of the child's body a certificate under his hand in the prescribed form that he has registered the stillbirth⁷. He may, however, on receiving written notice of the stillbirth accompanied by a certificate given by a registered medical practitioner or registered midwife⁸, before registering the stillbirth give to the person sending the notice a certificate that he has received notice of the stillbirth⁹. Upon receipt of a satisfactory explanation of any circumstances by reason of which the certificate is not available for the purposes of the enactments relating to the disposal of bodies of dead persons¹⁰, a registrar by whom such a certificate has been given may issue a duplicate certificate in distinctive form either to the person to whom the original certificate was given or to the person effecting the disposal¹¹.

It is not lawful for a person who has control over or who ordinarily buries bodies in any burial ground to permit to be buried or to bury in such a burial ground a stillborn child before either a registrar's certificate under the above provisions or, if there has been an inquest, a coroner's order, has been delivered to him¹².

1 For the meaning of 'birth' see PARA 504 note 5 ante.

2 For the meaning of 'registrar' see PARA 505 note 4 ante.

3 As to the persons qualified to give information see PARA 547 ante.

4 For the meaning of 'prescribed' see PARA 504 note 6 ante. For the prescribed form of certificate see the Registration of Births and Deaths Regulations 1987, SI 1987/2088, regs 2(2)(b), 62, Sch 2, Form 20, or, if the birth is registered in Wales, the Registration of Births and Deaths (Welsh Language) Regulations 1987, SI 1987/2089, reg 2(a), Sch 2, Form 16 (reg 2(a) amended by SI 1992/1504).

5 Births and Deaths Registration Act 1953 s 12 (amended by the Registration of Births, Deaths and Marriages (Fees) Order 1968, SI 1968/1242, art 4(1), Sch 2).

6 For the meaning of 'stillbirth' see PARA 504 note 5 ante.

7 Births and Deaths Registration Act 1953 s 11(2). For the prescribed form of certificate see the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 38(1), Sch 2, Form 12.

8 Ie such certificate as is mentioned in the Births and Deaths Registration Act 1953 s 11(1)(a) (as substituted and amended): see PARA 550 ante.

9 Ibid s 11(2) (amended by the Population Statistics Act 1960 s 2(3)). A certificate under this provision must be given without fee: Births and Deaths Registration Act 1953 s 11(2). The certificate must be given on an approved form but a certificate must not be given except for the purpose of burial in a burial ground in England or Wales, and then only (1) where the case is one which is not required to be reported to the coroner; or (2) where the case has been reported to the coroner and the registrar has been informed by the coroner that he has completed any investigation which he intends to make and has not issued any order authorising the

disposal of the body: Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 38(2). For the penalty on failure, without reasonable excuse, to give the certificate see the Births and Deaths Registration Act 1953 s 36(b) (as amended); and PARA 575 post.

10 See CREMATION AND BURIAL.

11 Births and Deaths Registration Act 1953 s 11(3) (amended by the Registration of Births, Deaths and Marriages (Fees) Order 1968, SI 1968/1242, Sch 2).

12 See the Births and Deaths Registration Act 1926 s 5 (amended by virtue of the Births and Deaths Registration Act 1953 s 43(1), Sch 1 para 3). Any person contravening this provision is liable on summary conviction to a fine not exceeding level 1 on the standard scale: Births and Deaths Registration Act 1953 s 11 (amended by virtue of the Criminal Justice Act 1982 ss 38, 46). As to the standard scale see PARA 528 note 2 ante. Except where applied by regulations made under the Cremation Act 1902 s 7 (as amended), this provision does not apply to cremation: Births and Deaths Registration Act 1926 s 10. See further CREMATION AND BURIAL.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/2. EFFECTING REGISTRATION/(2) REGISTRATION OF BIRTHS/(iii) Reregistration/A. REREGISTRATION OF BIRTHS OF LEGITIMATED PERSONS/552. Authorisation of reregistration.

(iii) Reregistration

A. REREGISTRATION OF BIRTHS OF LEGITIMATED PERSONS

552. Authorisation of reregistration.

Where evidence is produced¹ to the Registrar General which appears to him to be satisfactory that a person whose birth has been registered in England or Wales has become a legitimated person², the Registrar General may at any time authorise the reregistration of that person's birth³, and the reregistration must be effected in the manner and at the place prescribed⁴. Except where (1) the name of a person stating himself to be the father of the legitimated person has been entered⁵ in the register⁶; or (2) the paternity of the legitimated person has been established by a decree of a court of competent jurisdiction⁷; or (3) a declaration of legitimacy of the legitimated person⁸ has been made⁹, the Registrar General must not authorise the reregistration unless information with a view to obtaining it is furnished by both parents¹⁰.

1 It is the duty of the parents of a legitimated person or, in cases where reregistration can be effected on information furnished by one parent and one of the parents is dead, of the surviving parent, to furnish to the Registrar General information with a view to obtaining the reregistration of the birth of that person within three months after the date of the marriage by virtue of which he was legitimated: Legitimacy Act 1976 s 9(1). This does not, however, apply in relation to a person who was legitimated otherwise than by virtue of the subsequent marriage of his parents: s 9(3). Any parent who fails to give information as so required is liable on summary conviction to a fine not exceeding level 1 on the standard scale: s 9(4) (amended by virtue of the Criminal Justice Act 1982 ss 38, 46). See also PARA 532 ante. The failure of the parents or either of them to furnish information as so required in respect of any legitimated person does not affect the legitimation of that person: Legitimacy Act 1976 s 9(3). As to the Registrar General see PARAS 605-606 post. As to the standard scale see PARA 528 note 2 ante.

2 I.e. a person recognised by the law of England and Wales as having been legitimated by the subsequent marriage of his parents, whether or not the legitimation or its recognition was effected under any enactment: Births and Deaths Registration Act 1953 s 14(5) (added by the Legitimacy Act 1976 s 11(1), Sch 1 para 6).

3 The functions of the Registrar General under the Births and Deaths Registration Act 1953 s 14(1) (as amended: see note 4 infra) except in so far as relating to births at sea, may, however, be exercised by, or by employees of, such person, if any, as may be authorised in that behalf by the Registrar General: Contracting Out (functions of the Registrar General in relation to authorising reregistration of births) Order 1997, SI 1997/962, art 2(1), (2)(a)(ii), (3). In authorising the reregistration of the birth of a legitimated child, the Registrar General is not acting in a judicial capacity, and the certificate of reregistration is not a record of

binding decision; the reregistration does not, therefore, create a *res judicata* (as to which see *ESTOPPEL* vol 16(2) (Reissue) PARA 977): see *Jones v Jones* (1929) 98 LJP 74.

4 Births and Deaths Registration Act 1953 s 14(1) (amended by the Legitimation (Re-registration of Birth) Act 1957 s 1(2)). For the meaning of 'prescribed' see PARA 504 note 6 ante. As to the manner and place of reregistration see PARA 554 post.

5 Ie in pursuance of the Births and Deaths Registration Act 1953 s 10 (as substituted and amended) or s 10A (as added, substituted and amended): see PARAS 505 ante, 556 post.

6 Ibid s 14(1) proviso (a) (amended by the Children Act 1975 s 108(1)(a), Sch 3 para 13(3); and the Family Law Reform Act 1987 s 33(1), Sch 2 para 16).

7 Births and Deaths Registration Act 1953 s 14(1) proviso (b) (amended by the Family Law Reform Act 1987 Sch 2 para 16).

8 Ie under the Matrimonial Causes Act 1950 s 17 (repealed) or the Family Law Act 1986 s 56(1)(b) (as substituted): see CHILDREN AND YOUNG PERSONS vol 5(3) (2008 Reissue) PARA 122.

9 Births and Deaths Registration Act 1953 s 14(1) proviso (c) (amended by the Family Law Reform Act 1987 Sch 2 para 16).

10 Births and Deaths Registration Act 1953 s 14(1) proviso. Section 14 (as amended) applies with prescribed modifications to births at sea of which a return is sent to the Registrar General: s 14(4). As to such modifications see PARA 579 post; and see also note 3 supra. As to reregistration of the birth of a legitimated person in the service departments registers see PARA 590 post; and as to reregistration of an overseas birth see PARA 594 post.

UPDATE

552 Authorisation of reregistration

NOTE 1--Legitimacy Act 1976 s 9(1), (3) amended to include civil partnerships: Human Fertilisation and Embryology Act 2008 Sch 6 para 18.

NOTE 3--As to the factors relevant to reregistration, see *Re W (A Child) (Illegitimate Child: Change of Surname)*; *Re A (A Child)*; *Re B (Children)* [2001] Fam 1, [2000] 2 WLR 258, CA.

TEXT AND NOTES 6-10--Births and Deaths Registration Act 1953 s 14(1) proviso further amended: Human Fertilisation and Embryology Act 2008 Sch 6 para 9(2).

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/2. EFFECTING REGISTRATION/(2) REGISTRATION OF BIRTHS/(iii) Reregistration/A. REREGISTRATION OF BIRTHS OF LEGITIMATED PERSONS/553. Time for furnishing information.

553. Time for furnishing information.

The information to be furnished to the Registrar General¹ with a view to obtaining the reregistration of the birth of the legitimated person must be made within three months of the date of the marriage². Where the Registrar General believes a person to have become a legitimated person on the marriage of his parents, and within a period of three months from the date of the marriage the parents, or either of them, fail to furnish the necessary information to enable him to authorise the reregistration of that person's birth, the Registrar General may at any time after the expiration of that period require the parents or either of them to give him such information concerning the matter as he may consider necessary, verified in such manner as he may direct, and for that purpose to attend personally either at a

registrar's³ office or at any other place appointed by him within such time, not being less than seven days after the receipt of the notice, as may be specified in the notice⁴.

A parent of a legitimated person who fails to comply with any such requirement of the Registrar General commits an offence and is liable on summary conviction to a fine not exceeding level 1 on the standard scale⁵.

1 As to the Registrar General see PARAS 605-606 post.

2 See PARA 552 note 1 ante.

3 For the meaning of 'registrar' see PARA 505 note 4 ante.

4 Births and Deaths Registration Act 1953 s 14(2) (amended by the Legitimation (Re-registration of Birth) Act 1957 s 1(2)). The functions of the Registrar General under the Births and Deaths Registration Act 1953 s 14(2) (as so amended) may, however, be exercised by, or by employees of, such person, if any, as may be authorised in that behalf by the Registrar General: Contracting Out (functions of the Registrar General in relation to authorising reregistration of births) Order 1997, SI 1997/962, art 2(1), (2)(a)(ii), (3).

5 Births and Deaths Registration Act 1953 s 36(d) (amended by the Legitimation (Reregistration of Birth) Act 1957 s 1(2); and by virtue of the Criminal Justice Act 1982 ss 38, 46). See PARA 532 ante. As to the standard scale see PARA 528 note 2 ante.

UPDATE

553 Time for furnishing information

TEXT AND NOTE 4--Births and Deaths Registration Act 1953 s 14(2) further amended: Human Fertilisation and Embryology Act 2008 Sch 6 para 9(3).

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/2. EFFECTING REGISTRATION/(2) REGISTRATION OF BIRTHS/(iii) Reregistration/A. REREGISTRATION OF BIRTHS OF LEGITIMATED PERSONS/554. Procedure for reregistration.

554. Procedure for reregistration.

Where the Registrar General¹ authorises the reregistration of the birth of a legitimated person², then except where reregistration is effected in pursuance of a declaration³, a parent of the legitimated person⁴ must attend personally at the office of the relevant registrar⁵ for reregistration of the birth within such time as the Registrar General may direct⁶. Where the parent attends personally at the office of the relevant registrar for reregistration, the registrar must ascertain from the parent the particulars to be registered concerning the birth and enter them in the appropriate spaces of the prescribed form⁷ in the presence of the parent and in accordance with the authority of the Registrar General⁸. He must call upon the parent to verify the particulars as entered and to sign the entry⁹. He must then enter the date on which the entry is made, add the words 'On the authority of the Registrar General'¹⁰, sign the entry and add his official description¹¹.

Instead of attending personally at the office of the relevant registrar, a parent may verify the particulars required on reregistration in accordance with the following provisions¹². A parent who is in England and Wales may verify the particulars by making and signing before any registrar other than the relevant registrar a declaration of the particulars on an approved form¹³. The declaration must be attested by the registrar before whom it is made and sent by him to the relevant registrar¹⁴. A parent who is not in England or Wales may verify the

particulars by making and signing before a relevant authority¹⁵, and sending to the Registrar General, a declaration of the particulars on an approved form¹⁶.

On receiving the Registrar General's authority to reregister a birth together with his consent as to verification and the declaration so made, the relevant registrar must copy the particulars recorded in the spaces of the declaration into the corresponding spaces of the prescribed form¹⁷. He must then enter in the appropriate spaces of that form the qualification of the informant as 'father' or 'mother', as the case may be and the name of the declarant in the form in which he signed the declaration, adding the prescribed words¹⁸ and the date on which the declaration was made and signed¹⁹. He must then complete the entry in the prescribed manner²⁰.

Where, in a case in which it is not necessary for both parents to furnish information in order to effect reregistration²¹, the Registrar General authorises the relevant registrar to reregister the birth of a legitimated person notwithstanding that the particulars to be registered have not been verified by either parent, the registrar must copy the particulars recorded in the spaces of the authority into the corresponding spaces of the prescribed form and enter in the appropriate space the words 'On the authority of the Registrar General' without any further entry in that space²². He must then enter the date on which the entry is made and sign the entry, adding his official description²³.

Where the birth of a legitimated person is reregistered in accordance with these provisions, the superintendent registrar²⁴ or registrar having custody of the register in which the birth was previously registered must, when so directed by the Registrar General, make a note in the margin of the previous entry in the prescribed manner, inserting the date of the reregistration²⁵.

1 As to the Registrar General see PARAS 605-606 post.

2 Ie under the Births and Deaths Registration Act 1953 s 14(1) (as amended): see PARA 552 ante.

3 Ie where the Registration of Births and Deaths Regulations 1987, SI 1987/2088, regs 21 or 23 apply: see the text and notes 14-23 infra.

4 As to the legitimated persons to whom these provisions apply see PARA 552 note 2 ante.

5 For the meaning of 'relevant registrar' see PARA 540 note 1 ante.

6 Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 19(a). The functions of the Registrar General under reg 19(a) may, however, be exercised by, or by employees of, such person, if any, as may be authorised in that behalf by the Registrar General: Contracting Out (functions of the Registrar General in relation to authorising reregistration of births) Order 1997, SI 1997/962, art 2(1), (2)(b)(ii), (3). The Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 7(2) (particulars to be recorded in respect of the parents of a child are those appropriate at the date of the child's birth: see PARA 505 ante) applies as to the particulars to be recorded in respect of the parents except that (1) in reg 2(2)(b), Sch 2, Form 1, spaces 6, 8b (as substituted) (occupations) the occupations of the father and mother respectively need not be recorded as at both the date of birth and the date of the entry; (2) in Sch 2, Form 1, space 7 (as substituted), the surname to be recorded in respect of the mother of the child must be her surname immediately after her marriage to the father; and (3) in Sch 2, Form 1, space 9(b) (as substituted), the surname (if any) to be entered must be that in which the mother contracted her most recent marriage prior to reregistration: reg 19(b) (amended by SI 1994/1948).

7 For the prescribed form see the Registration of Births and Deaths Regulations 1987, SI 1987/2088, Sch 2, Form 1 (as substituted) or, where the birth is reregistered in Wales, the Registration of Births and Deaths (Welsh Language) Regulations 1987, SI 1987/2089, reg 2(a), Sch 2, Form 1 (respectively amended and substituted by SI 1992/1504; and SI 1995/818).

8 See the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 20(3)(a) (substituted by SI 1997/1533).

9 See the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 20(3)(b) (amended by SI 1997/1533).

10 Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 20(3)(c).

11 Ibid reg 20(3)(d). Where a birth is reregistered under the Births and Deaths Registration Act 1953 s 14 (as amended), and the previous entry was marked with the word 'Adopted', the entry on reregistration must be marked in like manner: Adoption Act 1976 s 50(7), Sch 1 para 5(1). Where an entry in the register of births is marked in pursuance of Sch 1 para 3 (overseas adoptions) and the birth is subsequently reregistered, the entry on reregistration must be marked in the like manner: Sch 1 para 5(2).

Where a qualified informant, giving information relating to the reregistration of a birth which occurred in Wales, elects for the required particulars to be entered in Welsh as well as English, the registrar must enter those particulars accordingly, provided that (1) the informant gives the requisite information either personally, before the expiration of three months from the date of the birth of the child, to the relevant registrar, or by declaration under the Births and Deaths Registration Act 1953 ss 6 or 9 (as amended) before a superintendent registrar or registrar in Wales; and (2) the informant gives such information in Welsh and the officer to or before whom he gives it can understand and write Welsh: see the Registration of Births and Deaths (Welsh Language) Regulations 1987, SI 1987/2089, reg 4(1), (2).

12 Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 21(1) (amended by SI 1997/1533).

13 Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 21(2).

14 Ibid reg 21(3).

15 'Relevant authority' means: (1) in the case of a parent who is in Scotland, Northern Ireland, the Isle of Man, the Channel Islands or any part of the Commonwealth outside the British Islands or who is in the Irish Republic, a notary public and any other person who, in the place where the declaration is made, is authorised to administer oaths; (2) in the case of a parent to whom head (1) supra does not apply (and who is outside England and Wales), one of Her Majesty's consular officers, a notary public and any other person who, in the place where the declaration is made, is authorised to administer oaths so however that a declaration made otherwise than before a consular officer must be authenticated by such an officer if the Registrar General so requires; (3) in the case of a parent who is a member of Her Majesty's Forces and who is not in the United Kingdom, any officer who holds a rank not below that of Lieutenant-Commander, Major or Squadron-Leader: ibid reg 21(5). For the meaning of 'United Kingdom' see PARA 539 note 11 ante.

16 Ibid reg 21(4). A parent who is not in England and Wales must obtain the written consent of the Registrar General to verify the particulars by means of a declaration: see reg 21(1) (amended by SI 1997/1533).

17 See the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 22(a).

18 I.e. the words 'by declaration dated ': ibid reg 22(c).

19 See ibid reg 22(b), (c).

20 See ibid reg 22(d). The prescribed manner is that provided in reg 20(3)(c), (d): see notes 12-13 supra.

21 I.e. a case to which any of the provisos to the Births and Deaths Registration Act 1953 s 14(1) (as amended) applies: see PARA 552 heads (1)-(3) ante.

22 See the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 23(a), (b) and, in relation to reregistration following a declaration under the Family Law Act 1986 s 56(1)(b) (as substituted), the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 26A (added by SI 1988/638).

23 Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 23(c).

24 For the meaning of 'superintendent registrar' see PARA 505 note 15 ante.

25 See the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 24. The functions of the Registrar General under reg 24 may, however, be exercised by, or by employees of, such person, if any, as may be authorised in that behalf by the Registrar General: Contracting Out (functions of the Registrar General in relation to authorising reregistration of births) Order 1997, SI 1997/962, art 2(1), (2)(b)(iii), (3).

UPDATE

554 Procedure for reregistration

NOTE 6--SI 1987/2088 reg 19(a), (b) amended: SI 2009/2165.

TEXT AND NOTES 7-11--SI 1987/2088 reg 20, Sch 2 Form 1 substituted; SI 1987/2089 Sch 2 Form 1 substituted: SI 2009/2165.

TEXT AND NOTES 12-16--In SI 1987/2088 reg 21, 'parent' means mother, father or other parent: see SI 1987/2088 regs 2(2), 21(6) (reg 2(2) amended, reg 21(6) added by SI 2009/2165).

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/2. EFFECTING REGISTRATION/(2) REGISTRATION OF BIRTHS/(iii) Reregistration/A. REREGISTRATION OF BIRTHS OF LEGITIMATED PERSONS/555. Certified copies of reregistered entries.

555. Certified copies of reregistered entries.

Where an application is made to a superintendent registrar¹ or registrar² for a certified copy³ of the entry of the birth of a legitimated person⁴ whose birth has been reregistered⁵ in a register in his custody, he must supply a certified copy of the reregistered entry⁶. A certified copy of the superseded entry must not be supplied except with the authority of the Registrar General⁷.

1 For the meaning of 'superintendent registrar' see PARA 505 note 15 ante.

2 For the meaning of 'registrar' see PARA 505 note 4 ante.

3 As to certified copies see generally para 525 ante.

4 As to the meaning of 'legitimated person' see PARA 552 note 2 ante.

5 As to reregistration see PARA 552 et seq ante.

6 Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 25(a).

7 Ibid reg 25(b). As to the Registrar General see PARAS 605-606 post.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/2. EFFECTING REGISTRATION/(2) REGISTRATION OF BIRTHS/(iii) Reregistration/B. REREGISTRATION OF BIRTHS WHERE PARENTS NOT MARRIED TO EACH OTHER/556. Reregistration at parental request.

B. REREGISTRATION OF BIRTHS WHERE PARENTS NOT MARRIED TO EACH OTHER

556. Reregistration at parental request.

Where the birth¹ of a child whose father and mother were not married to each other at the time of the birth has been registered, but no person has been registered as the child's father, the registrar² must reregister the birth so as to show a person as the father:

117 (1) at the joint request of the mother and that person³; or

118 (2) at the request of the mother on production of a declaration made by her in the prescribed form⁴ stating that that person is the father of the child and a statutory declaration by that person stating himself to be the father⁵; or

- 119 (3) at the request of that person on production of a declaration made by him in the prescribed form⁶ stating himself to be the father of the child and a statutory declaration made by the mother stating that that person is the father⁷; or
- 120 (4) at the request of the mother or that person on production of a copy of a parental responsibility agreement between them in relation to the child and a declaration in the prescribed form⁸ by the person making the request stating that the agreement was made in compliance with the Children Act 1989⁹ and has not been brought to an end by an order of a court¹⁰; or
- 121 (5) at the request of the mother or that person on production of a certified copy of an order¹¹ giving that person parental responsibility for the child and a declaration in the prescribed form by the person making the request stating that the order has not been brought to an end by an order of a court¹²; or
- 122 (6) at the request of the mother or that person on production of a certified copy of an order¹³ which requires that person to make any financial provision for the child¹⁴ and a declaration in the prescribed form by the person making the request stating that the order has not been discharged by an order of a court¹⁵; or
- 123 (7) at the request of the mother or that person on production of a certified copy of any of the specified orders¹⁶ which has been made in relation to the child and a declaration in the prescribed form by the person making the request stating that the order has not been brought to an end or discharged by an order of a court¹⁷.

No birth may, however, be reregistered under these provisions except in the prescribed manner and with the authority of the Registrar General¹⁸.

On reregistration of a birth under these provisions, the registrar must sign the register and, if the reregistration takes place more than three months after the birth, the superintendent registrar must also sign the register¹⁹. In the case of a request under head (1) or head (2) above, or a request under any of heads (4) to (7) above made by the mother, she must also sign the register; in the case of a request under head (1) or head (3) above, or a request under any of heads (4) to (7) above made by the person requesting to be registered as the father of the child, that person must also sign the register²⁰.

The relevant registrar must reregister a birth pursuant to the above provisions as follows²¹. Where the parent²² attends before the registrar before the expiration of three months from the date of the birth to give information for the reregistration of the birth, the registrar must:

- 124 (a) ascertain from the parent the particulars to be registered concerning the birth and enter them in the appropriate spaces on the prescribed form²³ in the presence of the parent and in accordance with the authority of the Registrar General²⁴;
- 125 (b) call upon the parent to verify the particulars entered, to sign the entry and after the signature to add the prescribed words²⁵;
- 126 (c) enter the date on which the entry is made and add the words 'On the authority of the Registrar General'²⁶;
- 127 (d) sign the entry in the appropriate space and add his official description²⁷.

Alternatively, a request for reregistration under the above provisions may be made by means of a statement in the prescribed form²⁸ made in the presence of a prescribed officer²⁹ in accordance with the authority of the Registrar General. The statement must be signed in the presence of the prescribed officer and delivered to him, together with any documents required under heads (1) to (7) above³⁰. The officer must attest the statement and deliver it to the relevant registrar, together with the authority of the Registrar General and the supporting documents³¹. The registrar is required to reregister the birth as if the request had been made to him³². He must copy the particulars recorded in the spaces of the statement into the

corresponding spaces of the prescribed form³³, enter in the appropriate space the name of the parent in the form in which he signed the statement and add the prescribed words³⁴ and the date on which the declaration was made and signed³⁵. He must then enter the date on which the entry is made, adding the words 'On the authority of the Registrar General'³⁶. If not more than three months have elapsed from the date of the birth, he must sign the entry and add his official description³⁷. If, however, more than three months have elapsed from the date of the birth, he must make the whole entry in the presence of the relevant superintendent registrar, in which case both officers must sign the entry and add their official descriptions³⁸.

Where a birth is reregistered in accordance with these provisions, the superintendent registrar or registrar having custody of the register in which the birth was previously registered must, when so directed by the Registrar General, note the margin of the previous entry in the prescribed manner, inserting the date of the reregistration³⁹.

1 For the meaning of 'birth' see PARA 504 note 5 ante.

2 For the meaning of 'registrar' see PARA 505 note 4 ante; for the meaning of 'relevant registrar' see PARA 540 note 1 ante; and for the meaning of 'superintendent registrar' see PARA 505 note 15 ante.

3 Births and Deaths Registration Act 1953 s 10A(1)(a) (s 10A added by the Children Act 1975 s 93(3); substituted by the Family Law Reform Act 1987 s 25)).

4 For the prescribed form see the Registration of Births and Deaths Regulations 1987, SI 1987/2088, regs 2(2)(b), 16, Sch 2, Form 2 (reg 16 substituted by SI 1989/497; Sch 2, Form 2 substituted by SI 1994/1948), or, where the birth is reregistered in Wales, the Registration of Births and Deaths (Welsh Language) Regulations 1987, SI 1987/2089, reg 2(a), Sch 2, Form 2 (respectively amended and substituted by SI 1992/1504; and SI 1995/818).

5 Births and Deaths Registration Act 1953 s 10A(1)(b) (as added and substituted: see note 3 supra).

6 For the prescribed form see the Registration of Births and Deaths Regulations 1987, SI 1987/2088, Sch 2, Form 2 (as substituted: see note 4 supra). As to the appropriate form for use in Wales see note 4 supra.

7 Births and Deaths Registration Act 1953 s 10A(1)(c) (as added and substituted: see note 3 supra).

8 For the prescribed form for the purposes of heads (4)-(7) in the text see the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 17(3)(c), Sch 2, Form 6B (added by SI 1991/2275) or, where the birth is reregistered in Wales, the Registration of Births and Deaths (Welsh Language) Regulations 1987, SI 1987/2089, Sch 2, Form 6B (added by SI 1992/1504).

9 *Ie* in compliance with the Children Act 1989 s 4: see CHILDREN AND YOUNG PERSONS vol 5(3) (2008 Reissue) PARA 139.

10 Births and Deaths Registration Act 1953 s 10A(1)(d) (as added: see note 3 supra; substituted by the Children Act 1989 s 108(4), Sch 12 para 6(1), (2)). As to parental responsibility orders see CHILDREN AND YOUNG PERSONS vol 5(3) (2008 Reissue) PARA 139.

11 *Ie* an order under the Children Act 1989 s 4: see CHILDREN AND YOUNG PERSONS vol 5(3) (2008 Reissue) PARA 139.

12 Births and Deaths Registration Act 1953 s 10A(1)(e) (s 10A(1)(e)-(g) added by the Children Act 1989 Sch 12 para 6(1), (2)). As to the prescribed form see note 8 supra.

13 *Ie* an order under the Children Act 1989 s 15(1), Sch 1 para 1: see CHILDREN AND YOUNG PERSONS vol 5(3) (2008 Reissue) PARA 539.

14 *Ie* and which is not an order falling within *ibid* Sch 1 para 4(3): see CHILDREN AND YOUNG PERSONS vol 5(3) (2008 Reissue) PARA 546.

15 Births and Deaths Registration Act 1953 s 10A(1)(f) (as added: see note 12 supra). As to the prescribed form see note 8 supra.

16 The specified orders are: (1) an order under the Family Law Reform Act 1987 s 4 (repealed) that that person is to have all the parental rights and duties with respect to the child; (2) an order that that person is to

have custody or care and control or legal custody of the child made under the Guardianship of Minors Act 1971 s 9 (repealed) at a time when such an order could only be made in favour of a parent; (3) an order under s 9 or s 11B (both repealed) which requires that person to make any financial provision in relation to the child; (4) an order under the Affiliation Proceedings Act 1957 s 4 (repealed) naming that person as putative father of the child: Births and Deaths Registration Act 1953 s 10A(1A) (added by the Children Act 1989 Sch 12 para 6(1), (3)).

17 Births and Deaths Registration Act 1953 s 10A(1)(g) (as added: see note 12 supra). As to the prescribed form see note 8 supra.

18 Ibid s 10A(1) (as added and substituted: see note 3 supra). As to the Registrar General see PARAS 605-606 post. The functions of the Registrar General under s 10A(1)(a)-(c) (as so added and substituted) may, however, be exercised by, or by employees of, such person, if any, as may be authorised in that behalf by the Registrar General: Contracting Out (functions of the Registrar General in relation to authorising reregistration of births) Order 1997, SI 1997/962, art 2(1), (2)(a)(i), (3). As to the manner of reregistration see the text and notes 19-39 infra.

19 Births and Deaths Registration Act 1953 s 10A(2)(a), (d) (as added and substituted: see note 3 supra).

20 Ibid s 10A(2)(b), (c) (as added and substituted: see note 3 supra; amended by the Children Act 1989 Sch 12 para 6(1), (6)).

21 Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 17(1).

22 For these purposes, 'parent' means: (1) in a case falling within head (1) in the text, both the father and the mother; (2) in a case falling within head (2) in the text, the mother; (3) in a case falling within head (3) in the text, the father; and (4) in a case falling within any of heads (4)-(7) in the text, the mother or the father: ibid reg 17(5) (amended by SI 1989/497; and SI 1991/2275).

23 Ie in the Registration of Births and Deaths Regulations 1987, SI 1987/2088, Sch 2, Form 1, spaces 1-13 (substituted by SI 1994/1948): see PARA 505 ante.

24 Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 17(2)(a).

25 See ibid reg 17(2)(b) (amended by SI 1989/497; and SI 1991/2275). The prescribed words are (1) in a case falling within head (2) in the text, the words 'Statutory declaration made by ... on ...', inserting the name and surname of the person acknowledging himself to be the father and the date on which the statutory declaration was made by him; (2) in a case falling within head (3) in the text, the words, 'Statutory declaration made by ... on ...', inserting the name and surname of the mother and the date on which the statutory declaration was made by her; and (3) in a case falling within any of heads (4)-(7) in the text, the words 'Pursuant to' followed by the appropriate provision of the Births and Deaths Registration Act 1953 s 10A(1)(d)-(g) (as added) (see notes 10-17 supra: see the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 17(2)(b)(i)-(vi) (as so amended)).

26 Ibid reg 17(2)(c).

27 Ibid reg 17(2)(d).

28 For the prescribed form of statement see ibid Sch 2, Form 2 (substituted by SI 1997/1533) or, if the birth is reregistered in Wales, the Registration of Births and Deaths (Welsh Language) Regulations 1987, SI 1987/2089, Sch 2, Form 2 (as so substituted).

29 Where not more than three months have elapsed from the date of the birth, the prescribed officer is any registrar other than the relevant registrar. In other cases, the prescribed officer is any superintendent registrar: Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 15.

30 See the Births and Deaths Registration Act 1953 s 9(5) (added by the Children Act 1975 s 93(3)). The documents referred to are the statutory declaration required by heads (2)-(3) in the text, the declaration in the prescribed form required by heads (4)-(7) in the text and the court order required by heads (5)-(7) in the text, as appropriate. As to the prescribed form of declaration see notes 4, 8 supra.

31 Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 17(3)(b) (amended by SI 1989/497; and SI 1991/2275).

32 Births and Deaths Registration Act 1953 s 9(5)(a) (as added: see note 30 supra). The person or persons who sign the statement are deemed to have signed the register, as required by s 10A(2) (as added): s 9(5)(b) (as so added).

33 Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 17(4)(a). As to the prescribed form see note 8 supra.

34 The prescribed words are: 'by declaration dated ...': see *ibid* reg 17(4)(b)(i).

35 *Ibid* reg 17(4)(b)(i). In a case falling within any of heads (2)-(7) in the text, he must make the appropriate further addition specified in note 25 supra: see reg 17(4)(b)(ii) (amended by SI 1991/2275).

36 Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 17(4)(c).

37 *Ibid* reg 17(4)(d).

38 *Ibid* reg 17(4)(e).

39 See *ibid* reg 18. The functions of the Registrar General under reg 18, in so far as it applies to births which are reregistered in accordance with heads (1)-(3) in the text, may, however, be exercised by, or by employees of, such person, if any, as may be authorised in that behalf by the Registrar General: Contracting Out (functions of the Registrar General in relation to authorising reregistration of births) Order 1997, SI 1997/962, art 2(1), (2)(b)(i), (3).

UPDATE

556 Reregistration at parental request

TEXT AND NOTES 1-20--1953 Act s 10A further amended so that it applies to reregistration where a woman is a parent of a child by virtue of specified provisions in the Human Fertilisation and Embryology Act 2008: Human Fertilisation and Embryology Act 2008 Sch 6 para 7.

TEXT AND NOTES 1-18--Also, head (8) in a case of a man who is to be treated as the father of the child by virtue of the Human Fertilisation and Embryology Act 2008 s 39(1) or 40(1) or (2), if the condition in the 1953 Act s 10ZA(2) (see PARA 505 NOTE 6) is satisfied: s 10A(1)(ff) (added by the Human Fertilisation and Embryology (Deceased Fathers) Act 2003 Schedule para 4; substituted by Human Fertilisation and Embryology Act 2008 Sch 6 para 7(3)(b)).

NOTES 4, 8--SI 1987/2088 reg 16, Sch 2 Forms 2, 6B substituted; SI 1987/2089 Sch 2 Forms 2, 6B substituted: SI 2009/2165.

TEXT AND NOTES 8, 21-39--SI 1987/2088 regs 17-19, Sch 2 Forms 1, 2 substituted: SI 2009/2165.

TEXT AND NOTE 20--1953 Act s 10A(2)(b)-(c) substituted: Human Fertilisation and Embryology Act 2008 Sch 6 para 7(5).

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/2. EFFECTING REGISTRATION/(2) REGISTRATION OF BIRTHS/(iii) Reregistration/B. REREGISTRATION OF BIRTHS WHERE PARENTS NOT MARRIED TO EACH OTHER/557. Reregistration after declaration of parentage.

557. Reregistration after declaration of parentage.

Where, in the case of a person whose birth¹ has been registered in England and Wales, the Registrar General² receives a notification³ of the making of a declaration of parentage in respect of that person⁴, and it appears to him that the birth of that person should be reregistered, he must authorise the reregistration of that person's birth⁵. The reregistration must be effected in the prescribed⁶ place and manner⁷.

Where the Registrar General so authorises the relevant registrar⁸ to reregister a birth, the relevant registrar must:

- 128 (1) copy the particulars recorded in the spaces of the authority into the appropriate spaces of the prescribed form⁹;
- 129 (2) enter across such of the appropriate spaces¹⁰ as are needed for the purpose the appropriate wording in relation to the declaration which has given rise to reregistration¹¹;
- 130 (3) draw a line through any unused space; and
- 131 (4) enter the date on which the entry is made and sign the entry, adding his official description¹².

Where a birth is so reregistered, the superintendent registrar¹³ or registrar having custody of the register in which the birth was previously registered must, when so directed by the Registrar General, note the margin of the previous entry in the prescribed manner, inserting the date of the reregistration¹⁴.

1 For the meaning of 'birth' see PARA 504 note 5 ante.

2 As to the Registrar General see PARAS 605-606 post.

3 Ie by virtue of the Family Law Act 1986 s 56(4) (as substituted): see CHILDREN AND YOUNG PERSONS vol 5(3) (2008 Reissue) PARA 122.

4 Ie a declaration made on application to the court under ibid s 56(1)(a) (as substituted) that a person named in the application is or was the parent of the applicant.

5 Births and Deaths Registration Act 1953 s 14A(1) (added by the Family Law Reform Act 1987 s 26).

6 For the meaning of 'prescribed' see PARA 504 note 6 ante.

7 See note 5 supra.

8 For the meaning of 'relevant registrar' see PARA 540 note 1 ante; and for the meaning of 'registrar' see PARA 505 note 4 ante.

9 The spaces referred to are the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 2(2) (b), Sch 2, Form 1, spaces 1-10 (substituted by SI 1994/1948): Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 26A (added by SI 1988/638). See further PARA 505 ante. For the prescribed form where the birth is reregistered in Wales see the Registration of Births and Deaths (Welsh Language) Regulations 1987, SI 1987/2089, reg 2(a), Sch 2, Form 1 (respectively amended and substituted by SI 1992/1504; and SI 1995/818).

10 The appropriate spaces are the Registration of Births and Deaths Regulations 1987, SI 1987/2088, Sch 2, Form 1, spaces 11-14 (as substituted: see note 7 supra): see PARA 505 ante.

11 Where the reregistration follows a declaration under the Family Law Act 1986 56(1)(a) (as substituted) (declaration that person named in the declaration was the applicant's parent) the words 'Pursuant to section 14A of the Births and Deaths Registration Act 1953 on the authority of the Registrar General' must be inserted: see the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 26A (as added: see note 9 supra).

12 Ibid reg 26A (as added: see note 9 supra). Where the Registrar General authorises the relevant registrar to reregister a birth that occurred in Wales, then provided that (1) a qualified informant elects for the required particulars to be entered in Welsh as well as English; and (2) the informant gives the particulars referred to in reg 26A(a) (as so added) in Welsh personally to the relevant registrar; and (3) the relevant registrar can understand and write Welsh, the relevant registrar must enter those particulars in Welsh as well as English: Registration of Births and Deaths (Welsh Language) Regulations 1987, SI 1987/2089, reg 4A(a), (b)(i). He must also enter particulars of the informant in Welsh as well as English, call upon the informant to verify the particulars entered and to sign the entry, and enter the prescribed words, draw a line through any unused space, the date on which the entry is made and sign the entry, adding his official description: see reg 4A(b)(ii)-(vi).

13 For the meaning of 'superintendent registrar' see PARA 505 note 15 ante.

14 See the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 26B (added by SI 1988/638). The margin of the previous entry must be noted with the words 'reregistered under section 14A of the Births and Deaths Registration Act 1953 on [date]': Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 26B (as so added).

UPDATE

557 Reregistration after declaration of parentage

NOTE 3--Also by virtue of the Family Law Act 1986 s 55A(7) (see CHILDREN AND YOUNG PERSONS vol 5(3) (2008 Reissue) PARA 121): Births and Deaths Registration Act 1953 s 14A(1) (amended by the Child Support, Pensions and Social Security Act 2000 Sch 8 para 1).

NOTE 9--SI 1987/2088 Sch 2 Form 1 substituted; SI 1987/2089 Sch 2 Form 1 substituted: SI 2009/2165.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/2. EFFECTING REGISTRATION/(3) REGISTRATION OF MARRIAGES/558. Persons under a duty to register.

(3) REGISTRATION OF MARRIAGES

558. Persons under a duty to register.

A marriage¹ must be registered² by the following person, that is to say:

- 132 (1) in the case of a marriage solemnised according to the rites of the Church of England or the Church in Wales, by the clergyman by whom the marriage is solemnised³;
- 133 (2) in the case of a marriage solemnised according to the usages of the Society of Friends, by the registering officer of that society⁴ appointed for the district in which the marriage is solemnised⁵;
- 134 (3) in the case of a marriage solemnised according to the usages of persons professing the Jewish religion, by the secretary of the synagogue⁶ of which the husband is a member⁷;
- 135 (4) in the case of a marriage solemnised in a registered building⁸ or at a person's residence in the presence of a registrar⁹, by that registrar¹⁰;
- 136 (5) in the case of a marriage solemnised in a registered building without the presence of a registrar, by the authorised person in whose presence the marriage is solemnised¹¹;
- 137 (6) in the case of a marriage solemnised in the office of a superintendent registrar, by the registrar in whose presence the marriage is solemnised¹²;
- 138 (7) in the case of a marriage solemnised on approved premises¹³, by the registrar in whose presence the marriage is solemnised¹⁴; and
- 139 (8) in the case of a marriage solemnised in a naval, military or air force chapel according to the rites of the Church of England or the Church in Wales, by the clergyman appointed by the Admiralty (in the case of a naval chapel licensed for such marriages) or appointed by a Secretary of State (in the case of any other chapel so licensed)¹⁵.

Any such person who refuses or without reasonable cause omits to register a marriage is liable on summary conviction to a fine not exceeding level 3 on the standard scale¹⁶.

Special provision is made in relation to the registration of marriages abroad¹⁷.

1 As to the law relating to marriage generally see MATRIMONIAL AND CIVIL PARTNERSHIP LAW.

2 le subject to the provisions of the Marriage Act 1949 Pt V (ss 68-71) (as amended) (marriages in naval, military and air force chapels: see head (8) in the text; and MATRIMONIAL AND CIVIL PARTNERSHIP LAW vol 72 (2009) PARA 23.

3 Ibid ss 53(a), 78(2). The reference to the Church in Wales is included by virtue of s 78(2). Where a religious ceremony is performed after a previous marriage in a superintendent registrar's office, the religious ceremony must not be entered as a marriage in any marriage register book kept under Pt IV (ss 53-67) (as amended): see s 46(2) (amended by the Marriage Act 1983 s 1(7), Sch 1 para 12); and MATRIMONIAL AND CIVIL PARTNERSHIP LAW vol 72 (2009) PARA 57. For the meaning of 'superintendent registrar' see PARA 505 note 15 ante.

4 For the meaning of 'registering officer of the Society of Friends' see PARA 520 note 4 ante.

5 Marriage Act 1949 s 53(b). As to marriages according to the usages of the Society of Friends see s 47; and MATRIMONIAL AND CIVIL PARTNERSHIP LAW vol 72 (2009) PARA 115.

6 For the meaning of 'secretary of a synagogue' see PARA 520 note 5 ante.

7 Marriage Act 1949 s 53(c).

8 As to the registration of buildings for marriages see MATRIMONIAL AND CIVIL PARTNERSHIP LAW vol 72 (2009) PARA 186-189.

9 As to the marriage of a person who is housebound or detained see the Marriage Act 1949 s 26(1)(dd) (as added); and MATRIMONIAL AND CIVIL PARTNERSHIP LAW vol 72 (2009) PARA 54. For the meaning of 'registrar' see PARA 505 note 4 ante.

10 Marriage Act 1949 s 53(d) (amended by the Marriage Act 1983 s 1(7), Sch 1 para 16).

11 Marriage Act 1949 s 53(e). The certificate of the superintendent registrar authorising the marriage, or that certificate and the licence, as the case may be, must be kept in the prescribed custody and produced with the marriage register books kept by the authorised person under Pt IV (ss 53-67) (as amended) as and when required by the Registrar General: see s 50(3); and MATRIMONIAL AND CIVIL PARTNERSHIP LAW vol 72 (2009) PARA 98. For the meaning of 'authorised person' see MATRIMONIAL AND CIVIL PARTNERSHIP LAW vol 72 (2009) PARA 107. As to custody of the registers see PARAS 520-521 ante; MATRIMONIAL AND CIVIL PARTNERSHIP LAW vol 72 (2009) PARA 109.

12 Ibid s 53(f). See also note 3 supra. A registrar or authorised person must not register a marriage to which he is a party or a witness: Registration of Births, Deaths and Marriages Regulations 1968, SI 1968/2049, reg 9(1)(b); Marriage (Authorised Persons) Regulations 1952, SI 1952/1869, reg 6.

13 le a marriage solemnised in pursuance of the Marriage Act 1949 s 26(1)(bb) (added by the Marriage Act 1994 s 1(1)). As to the Secretary of State's power to make regulations making provision for and in connection with the approval by local authorities of premises for the solemnisation of marriages, and as to the solemnisation of marriages on such premises, see the Marriage Act 1949 ss 46A, 46B (added by the Marriage Act 1994 s 1(2)). See also the Marriages (Approved Premises) Regulations 1995, SI 1995/510; and see generally MATRIMONIAL AND CIVIL PARTNERSHIP LAW.

14 Marriage Act 1949 s 53(g) (added by the Marriage Act 1994 s 1(3), Schedule para 6).

15 See the Marriage Act 1949 s 69(4), (5); and ECCLESIASTICAL LAW.

16 Ibid s 76(1) (amended by virtue of the Criminal Justice Act 1982 ss 38, 46). See PARA 529 ante. As to the standard scale see PARA 528 note 2 ante.

17 See PARA 578 et seq post.

UPDATE

558 Persons under a duty to register

NOTE 13--SI 1995/510 revoked and replaced: Marriages and Civil Partnerships (Approved Premises) Regulations 2005, SI 2005/3168.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/2. EFFECTING REGISTRATION/(3) REGISTRATION OF MARRIAGES/559. Mode of registration.

559. Mode of registration.

Every person who is required¹ to register a marriage must, immediately after the solemnisation of the marriage, register the particulars relating to the marriage in the prescribed form². Where registration is not undertaken by a registrar, the particulars must be registered in duplicate in two marriage register books³.

Every entry made in a marriage register book by a clergyman, registering officer of the Society of Friends, secretary of a synagogue or authorised person⁴ must be signed by the person registering the marriage, by the parties to it and by two witnesses, and every entry made by a registrar must be signed by the person by or before whom the marriage was solemnised, if any, and by the registrar, the parties to the marriage and two witnesses⁵. After entering the required particulars⁶, the registrar must call upon the parties to the marriage to verify those particulars and, if it appears that any error has been made, the registrar must make the necessary correction in the prescribed manner and in the presence of the parties⁷. When the required particulars have been verified, the registrar must call upon the parties to sign the marriage register book in the spaces provided and after they have done so, the witnesses must sign similarly⁸. The registrar must also call upon the minister or other person, if any, or the superintendent registrar by or before whom the marriage was solemnised to sign the marriage register book in the space provided and to add his official designation or description⁹. The registrar must then sign the marriage register book in the space provided and add his official description¹⁰.

Where a marriage of a person who is housebound or a marriage of a detained person is solemnised¹¹ according to the rites of the Church of England or the Church in Wales, the marriage must be registered in the marriage register books of any church or chapel which is in the same parish or extra-parochial place as is the place where the marriage is solemnised, or, if there is no such church or chapel, of any church or chapel in any adjoining parish¹².

Every entry made in a marriage register book in accordance with these provisions must be made in consecutive order from the beginning to the end of each book and, in the case of an entry made otherwise than by a registrar, the number of the entry must be the same in each duplicate marriage register book¹³.

1 Ie under the Marriage Act 1949 Pt IV (ss 53-67) (as amended): see PARA 558 ante.

2 See *ibid* s 55(1); and see the Registration of Marriages Regulations 1986, SI 1986/1442, reg 10(2). Where a marriage is solemnised according to the usages of the Society of Friends, the marriage must be registered as soon as convenient after the solemnisation: Marriage Act 1949 s 55(1). Before registering a marriage, a registering officer of the Society of Friends or the secretary of a synagogue must satisfy himself, whether or not he was present at the marriage, that the proceedings conformed to the usages of the society or the Jewish religion as the case may be: see s 55(1) proviso (b). For the meaning of 'registering officer of the Society of Friends' and 'secretary of a synagogue' see PARA 520 notes 4-5 ante. As to the prescribed form see PARA 507 ante. In the form of attestation set out in Part II of that form, the registrar must enter in the places respectively provided for the purpose the following particulars: (1) if the marriage has been solemnised in a registered building according to the rites and ceremonies of any religious body or denomination, the description of the

registered building, the title of the body or denomination according to the rites and ceremonies of which the marriage has been solemnised, and the word 'certificate' or, as the case may be, 'licence'; (2) if the marriage has been solemnised in a superintendent registrar's office, the words 'register office' and the word 'certificate' or, as the case may be, 'licence'; (3) if the marriage has been solemnised on approved premises in pursuance of the Marriage Act 1949 s 26(1)(bb) (as added) (see PARA 558 head (7) ante), the description of the approved premises and the word 'certificate' or, as the case may be, 'licence'; (4) if the marriage has been solemnised on the authority of a Registrar General's licence, the address of the place in which the marriage has been solemnised, the title of the religious body or denomination, if any, according to the rites and ceremonies of which the marriage has been solemnised, and the words 'Registrar General's licence'; (5) if the marriage has been solemnised at a person's residence in pursuance of s 26(1)(dd) (as added) (see PARA 558 note 9 ante), the address of the place in which the marriage has been solemnised, the title of the religious body or denomination, if any, according to the rites and ceremonies of which the marriage has been solemnised and the word 'certificate': Registration of Marriages Regulations 1986, SI 1986/1442, reg 12 (amended by SI 1995/744). Where a marriage register book which is required to be kept in duplicate is filled, one copy must be delivered to the superintendent registrar: see PARA 521 ante. For the meaning of 'registrar' and 'superintendent registrar' see PARA 505 notes 4, 15 ante. As to marriage by Registrar General's licence see MATRIMONIAL AND CIVIL PARTNERSHIP LAW vol 72 (2009) PARA 22; and as to the Registrar General see PARAS 605-606 post.

3 See the Marriage Act 1949 s 55(1) proviso (a).

4 As to authorised persons see *ibid* s 43 (as amended); and MATRIMONIAL AND CIVIL PARTNERSHIP LAW vol 72 (2009) PARA 107.

5 *Ibid* s 55(2).

6 As to the required particulars see PARA 507 ante.

7 See the Registration of Marriages Regulations 1986, SI 1986/1442, reg 13(1). Where the registrar is required to correct an error in an entry of a marriage before the entry is complete, he must make the correction in the following manner: (1) if a word is incorrect, he must strike it out by a line drawn through it, so however that the word remains legible, and write the correct word above it; (2) if in any group of figures one or more figures is incorrect he must strike out all the figures in the group by a line drawn through them, so however that they remain legible, and write the correct figures above them; (3) if a word has been omitted, he must place a caret where the omission occurs and above the caret he must write the omitted word, except that if there is sufficient space he must write that word where the omission occurs and underline it; (4) all such corrected errors must be numbered consecutively by the registrar from the beginning of the marriage register book starting with 'one', and on making such a correction the registrar must write the number of the error in figures against the correction in the body of the entry and must repeat the same number in words in the margin of the entry and add his initials; (5) if the particulars required to be entered in any two columns have been inadvertently transposed, the registrar must, without any other correction, write in the margin of the entry a note of the error in the following form: 'The particulars in column ... and column ... inadvertently transposed', inserting the numbers of the columns and adding his initials; and (6) if the particulars required to be entered in respect of the parties to a marriage, or the fathers of the parties, have been inadvertently transposed, the registrar must, without any other correction, write in the margin of the entry a note to that effect, specifying the particulars to which the note relates, and add his initials: reg 15(1). As to when an entry is deemed to have been completed see reg 14; and PARA 519 note 5 ante.

8 See *ibid* reg 13(2). Where a person who is required under reg 13(2) or (3) (see the text and note 9 *infra*) to sign the marriage register book makes a mark or signs in characters other than those used in the English or Welsh languages, the registrar must write against the mark or signature the words 'The mark (or signature) of', inserting the forenames and surname of the person: reg 13(5). If it appears that an error has been made in the signature of one of the parties or witnesses to a marriage, the signatory and not the registrar must make the correction, and the registrar must number the error and make a note in the margin as provided in note 7 head (4) *supra*: see reg 15(2).

9 *Ibid* reg 13(3); and see note 8 *supra*.

10 *Ibid* reg 13(4).

11 *Ie* in pursuance of the Marriage Act 1949 s 26(1)(dd) (as added): see PARA 558 note 9 ante.

12 *Ibid* ss 55(4), 78(2) (s 55(4) added by the Marriage Act 1983 s 1(7), Sch 1 para 17). The reference in the text to the Church in Wales is included by virtue of the Marriage Act 1949 s 78(2).

13 *Ibid* s 55(3).

UPDATE

559 Mode of registration

NOTE 2--In heads (1)-(3) words 'or, as the case may be, 'licence' omitted: SI 1986/1442 reg 12 (amended by SI 2000/3164).

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/2. EFFECTING REGISTRATION/(3) REGISTRATION OF MARRIAGES/560. Power to require particulars; false statements.

560. Power to require particulars; false statements.

Every person who is required¹ to register a marriage may ask the parties to the marriage the particulars relating to it which are required to be entered in the marriage register book².

A false statement as to any particulars required to be registered is a criminal offence³. A person may be convicted on indictment for making a false statement to an officiating clergyman after the marriage even if the statement was made before the marriage to the clerk of the church who entered the particulars in the marriage register book and the accused person affirms such particulars to be correct to the clergyman after the marriage⁴.

1 le under the Marriage Act 1949 Pt IV (ss 53-67) (as amended): see PARA 558 ante.

2 Ibid s 56.

3 See the Perjury Act 1911 s 3 (as amended);, and PARA 533 ante.

4 *R v Brown* (1848) 1 Den 290. The statement must be made knowingly and wilfully (see the Perjury Act 1911 s 3 (as amended)) and not by mistake (see *R v Lord Dunboyne* (1850) 3 Car & Kir 1). It is unnecessary that the purpose should be effected in order to constitute an offence: *R v Mason* (1848) 2 Car & Kir 622.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/2. EFFECTING REGISTRATION/(4) REGISTRATION OF DEATHS/(i) Procedure for Registration/561. Place where particulars of deaths must be registered.

(4) REGISTRATION OF DEATHS

(i) Procedure for Registration

561. Place where particulars of deaths must be registered.

Subject to the statutory provisions as to registration of deaths¹, the death of every person dying in England or Wales and the cause of death must be registered by the registrar² of births and deaths for the sub-district³ in which the death occurred by entering in a register kept for that sub-district the prescribed particulars⁴ concerning the death⁵. However, where a dead body is found and there is no information available as to the place of death, the death must be registered by the registrar for the sub-district in which the body is found⁶.

1 le the Births and Deaths Registration Act 1953 Pt II (ss 15-24) (as amended) (see PARA 562 et seq post): s 15.

2 For the meaning of 'registrar' see PARA 505 note 4 ante.

3 As to registration sub-districts see PARA 619 post.

4 As to the prescribed particulars see PARA 508 ante.

5 Births and Deaths Registration Act 1953 s 15. For the meaning of 'prescribed' see PARA 504 note 6 ante. For the form of registration see PARA 508 ante; and as to the manner of registration para 562 et seq post. A registrar must not register a death of which he is an informant: A registrar must not register a stillbirth of which he is an informant: Registration of Births, Deaths and Marriages Regulations 1968, SI 1968/2049, reg 9(1)(a). For the offence of omission to register see PARA 529 ante.

6 Ibid s 15 proviso.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/2. EFFECTING REGISTRATION/(4) REGISTRATION OF DEATHS/(i) Procedure for Registration/562. Registration of deaths generally.

562. Registration of deaths generally.

Where the registrar¹ receives personally from any qualified informant², at any time before the expiration of 12 months of the death or the finding of the dead body of any person, information of the particulars required to be registered³, then as soon as he has received any particulars required to be registered concerning the cause of death⁴ which must be given by any person other than the informant, he must forthwith register the death and the particulars, if not previously registered, in the form and manner prescribed⁵, without fee or reward from the informant⁶.

After the expiration of 12 months from the date of the death or finding of the dead body of any person, the death of that person may not be registered except with the written authority of the Registrar General⁷ and in such manner and subject to such conditions as may be prescribed, and the fact that that authority has been obtained must be entered in the register⁸. Any person who registers any death, or causes any death to be registered, in contravention of this provision is liable on summary conviction to a fine not exceeding level 1 on the standard scale⁹.

1 For the meaning of 'registrar' see PARA 505 note 4 ante.

2 As to qualified informants see PARAS 570-571 post; and as to the giving of information to the registrar by means of a declaration made before another person see PARA 573 post.

3 As to the particulars required to be registered see PARA 508 ante.

4 As to the certificate of cause of death see PARA 563 post.

5 For the prescribed form and manner of registration see PARAS 508 ante, 563 et seq post. Where a qualified informant giving information relating to the registration of a death which occurred in Wales elects for the required particulars to be entered in Welsh as well as in English, the registrar must enter those particulars accordingly, provided that (1) the informant gives the requisite information either personally, to the relevant registrar, or by declaration under the Births and Deaths Registration Act 1953 s 23A (as added) (see PARA 573 post) before a registrar in Wales; and (2) the informant gives the requisite information in Welsh and the officer to or before whom he gives it can understand and write Welsh: see the Registration of Births and Deaths (Welsh Language) Regulations 1987, SI 1987/2089, reg 6(3), (3A) (respectively substituted and added by SI 1997/844).

6 Births and Deaths Registration Act 1953 s 20 (amended by the Registration of Births, Deaths and Marriages (Fees) Order 1968, SI 1968/1242, reg 4(1), Sch 2).

7 As to the Registrar General see PARAS 605-606 post.

8 Births and Deaths Registration Act 1953 s 21(1). As to the prescribed conditions see PARA 568 post.

⁹ Ibid s 21(3) (amended by the Criminal Law Act 1977 s 31(6), (9); and by virtue of the Criminal Justice Act 1982 s 46). As to the standard scale see PARA 528 note 2 ante.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/2. EFFECTING REGISTRATION/(4) REGISTRATION OF DEATHS/(i) Procedure for Registration/563. Certificate of cause of death.

563. Certificate of cause of death.

In the case of the death of any person who has been attended during his last illness by a registered medical practitioner¹, that practitioner must sign a certificate in the prescribed form² stating to the best of his knowledge and belief the cause of death and must forthwith deliver that certificate to the registrar³. On signing such a certificate, the medical practitioner must give in the prescribed form to some qualified informant⁴ of the death notice in writing of the signing of the certificate⁵, and that person must, except where an inquest is held touching the death of the deceased person, deliver that notice to the registrar⁶.

Except where an inquest is held into the death of the deceased person or a post-mortem examination of his body is made⁷, a registrar to whom a certificate of cause of death is so delivered must enter in the register the cause of death as stated in the certificate, together with the name of the certifying practitioner⁸.

¹ As to the meaning of 'registered medical practitioner' see MEDICAL PROFESSIONS vol 30(1) (Reissue) PARA 4.

² The Registrar General must from time to time furnish to every registrar printed forms of the certificates required to be signed by registered medical practitioners for these purposes, and every registrar must furnish such forms free of charge to any registered medical practitioner residing or practising in that registrar's sub-district: Births and Deaths Registration Act 1953 s 22(4). For the prescribed form of certificate see the Registration of Births and Deaths Regulations 1987, SI 1987/2088, regs 2(2)(b), 40(1)(a), Sch 2, Form 15 (in the case of a child who dies within 28 days of birth) or Sch 2, Form 14 (in any other case). Schedule 2, Form 14 is also the prescribed form for the purposes of the Industrial Diseases (Notification) Act 1981 s 1 (as amended): see PARA 606 post. For the forms of certificate for use in Wales see the Registration of Births and Deaths (Welsh Language) Regulations 1987, SI 1987/2089, reg 2(a) (as amended), Sch 2, Forms 11, 12. As to the Registrar General see PARAS 605-606 post; for the meaning of 'registrar' see PARA 505 note 4 ante; and as to registration sub-districts see PARA 619 post.

³ Births and Deaths Registration Act 1953 s 22(1).

⁴ As to qualified informants see PARAS 570-571 post.

⁵ For the prescribed form of notice see the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 40(1)(b), Sch 2, Form 16. For the form of notice for use in Wales see the Registration of Births and Deaths (Welsh Language) Regulations 1987, SI 1987/2089, Sch 2, Form 13.

⁶ Births and Deaths Registration Act 1953 s 22(2) (amended by the Coroners Act 1980 s 1, Sch 2).

⁷ ie under the Coroners Act 1988 s 19: see CORONERS vol 9(2) (2006 Reissue) PARAS 939, 965.

⁸ Births and Deaths Registration Act 1953 s 22(3) (amended by the Coroners Act 1988 s 36(1), Sch 3 para 3). As to the notification to the registrar of the disposal of bodies of deceased persons or of cremation see PARA 577 post; and CREMATION AND BURIAL. As to the notification of deaths in aircraft see AIR LAW vol 2 (2008) PARAS 586-587. For the circumstances in which registrars and medical practitioners must report a death to the coroner and when it is necessary to hold an inquest or post mortem examination see PARA 564 post; and CORONERS vol 9(2) (2006 Reissue) PARA 949 et seq.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/2. EFFECTING REGISTRATION/(4) REGISTRATION OF DEATHS/(i) Procedure for Registration/564. Reference to coroner.

564. Reference to coroner.

Where the relevant registrar¹ is informed of the death of any person he must² report the death to the coroner on a form approved by the Registrar General³ if the death is one:

- 140 (1) in respect of which the deceased was not attended during his last illness by a registered medical practitioner⁴; or
- 141 (2) in respect of which the registrar has either been unable to obtain a duly completed certificate of cause of death⁵, or has received such a certificate with respect to which it appears to him, from the particulars contained in the certificate or otherwise, that the deceased was not seen by the certifying medical practitioner either after death or within 14 days before death; or
- 142 (3) the cause of which appears to be unknown; or
- 143 (4) which the registrar has reason to believe to have been unnatural or to have been caused by violence or neglect or by abortion or to have been attended by suspicious circumstances; or
- 144 (5) which appears to the registrar to have occurred during an operation or before recovery from the effect of an anaesthetic; or
- 145 (6) which appears to the registrar from the contents of any medical certificate of cause of death to have been due to industrial disease or industrial poisoning⁶.

Where the registrar has reason to believe, with respect to any death of which he is informed or in respect of which a certificate of cause of death has been delivered to him, that the circumstances of the death were such that it is the duty of some person or authority other than himself to report the death to the coroner, he must either satisfy himself that it has been reported or report it himself⁷.

The registrar must not register any death:

- 146 (a) which he has himself reported to the coroner;
- 147 (b) which to his knowledge it is the duty of any other person or authority to report to the coroner; or
- 148 (c) which to his knowledge has been reported to the coroner,

until he has received either a coroner's certificate after inquest⁸ or a notification from the coroner that he does not intend to hold an inquest⁹.

¹ For the meaning of 'relevant registrar' see PARA 540 note 1 ante.

² Is subject to the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 41(2); see the text and note 7 infra.

³ For the meaning of 'coroner' see PARA 514 note 4 ante; and as to the Registrar General see PARAS 605-606 post.

⁴ As to the meaning of 'registered medical practitioner' see MEDICAL PROFESSIONS vol 30(1) (Reissue) PARA 4.

⁵ As to certificates of cause of death see PARA 563 ante.

⁶ Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 41(1).

⁷ Ibid reg 41(2).

8 For the meaning of 'inquest' see PARA 514 note 4 ante.

9 Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 41(3).

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/2. EFFECTING REGISTRATION/(4) REGISTRATION OF DEATHS/(i) Procedure for Registration/565. Registration within twelve months from date of death where no report to coroner.

565. Registration within twelve months from date of death where no report to coroner.

Where a certificate of cause of death¹ has been delivered to the relevant registrar², the death is not one which has been, or is required to be, reported to the coroner³ and, before the expiration of 12 months from the date of death the relevant registrar receives personally from any qualified informant⁴ information of the particulars required to be registered⁵ concerning the person's death, the registrar must register the death in the presence of the informant on the prescribed form⁶, entering the particulars required in the appropriate spaces⁷. After entering the required particulars, the registrar must call upon the informant to verify them and if any error has been made, the registrar must make the necessary correction in the prescribed manner and in the presence of the informant⁸. The registrar must then call upon the informant to sign the entry⁹, enter in the appropriate space the date on which the entry is made and sign the entry, adding his official description¹⁰.

1 As to certificates of cause of death see PARA 563 ante.

2 For the meaning of 'relevant registrar' see PARA 540 note 1 ante.

3 As to deaths required to be so reported see PARA 564 ante; and CORONERS vol 9(2) (2006 Reissue) PARA 949 et seq.

4 As to qualified informants in relation to a death see PARAS 570-571 post; and as to the giving of information to the registrar by means of a declaration made before another person see PARA 573 post.

5 As to the particulars required to be registered see PARA 508 ante.

6 As to the prescribed form see the Registration of Births and Deaths Regulations 1987, SI 1987/2088, regs 2(2)(b), 39, Sch 2, Form 13 or, in relation to a death in Wales, the Registration of Births and Deaths (Welsh Language) Regulations 1987, SI 1987/2089, reg 2(a) (as amended), Sch 2, Form 10; and PARA 508 ante.

7 See the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 42(1).

8 Ibid reg 42(5), (6). As to correction of errors see reg 54; and PARA 512 ante.

9 For the meaning of 'entry' see PARA 512 note 3 ante.

10 See the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 42(7).

UPDATE

565 Registration within twelve months from date of death where no report to coroner

NOTE 6--SI 1987/2088 Sch 2 Form 13 substituted and SI 1987/2089 Sch 2 Form 10 amended: SI 2006/2827.

NOTE 7--SI 1987/2088 reg 42(1) amended: SI 2006/2827.

NOTE 8--SI 1987/2088 reg 42(5), (6) amended: SI 2006/2827.

NOTE 10--SI 1987/2088 reg 42(7) amended: SI 2006/2827.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/2. EFFECTING REGISTRATION/(4) REGISTRATION OF DEATHS/(i) Procedure for Registration/566. Registration after report to coroner where no inquest is held.

566. Registration after report to coroner where no inquest is held.

Where, before the expiration of 12 months from the date of a death which has not been registered, the relevant registrar¹ is notified by the coroner that he does not intend to hold an inquest², the registrar must³ take such action as may be required to register the death and the particulars on the prescribed form⁴ in the presence of a qualified informant⁵, entering the particulars required⁶ in the appropriate spaces⁷.

Where a post-mortem examination has been made of a body⁸ and the registrar receives from the coroner a certificate under his hand⁹ stating the cause of death as disclosed by the report of the person making the examination, the registrar must make an entry of it in the register accordingly in the prescribed form and manner¹⁰. The registrar must enter in the appropriate space the cause of death precisely as stated in the notification followed by the prescribed words¹¹. Where the registrar receives such a notification from the coroner in respect of a death which he has already registered on the information of a qualified informant, then if the register containing the entry is in his custody, he must, without altering the entry relating to the cause of death, make a marginal annotation in the prescribed form of words¹². If the register containing the entry is in the custody of the superintendent registrar¹³, he must deliver the notification to the superintendent registrar who must, without altering the entry of the death, make the marginal entry¹⁴.

Where the registrar receives such a notification in respect of a death in respect of which a declaration has been made¹⁵ but that death has not yet been registered, he must register that death¹⁶ and must enter the prescribed particulars¹⁷ in the margin of the entry¹⁸.

Where the coroner's notification shows that no post-mortem examination was held by his direction, and the registrar is unable to obtain delivery of a certificate of cause of death¹⁹, he must enter in the appropriate space the cause of death:

149 (1) if the cause is stated in the coroner's notification, precisely as so stated;

150 (2) in any other case, as stated by the informant who must then also verify that entry²⁰.

A death may not be registered under this provision after the expiration of 12 months from its date²¹.

1 For the meaning of 'relevant registrar' see PARA 540 note 1 ante.

2 As to the deaths which must be reported to the coroner see PARA 564 ante; and for the meaning of 'coroner' and 'inquest' see PARA 514 note 4 ante.

3 Subject to the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 43(4): see the text and note 21 infra.

4 For the prescribed form see *ibid* regs 2(2)(b), 39, Sch 2, Form 13 or, in relation to a death in Wales, the Registration of Births and Deaths (Welsh Language) Regulations 1987, SI 1987/2089, reg 2(a) (as amended), Sch 2, Form 10; and see further PARA 508 ante.

5 As to persons qualified to give information in relation to deaths see PARAS 570-571 post.

6 *Ie* in accordance with the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 42(2)-(7) or, if a declaration is made for the purposes of the Births and Deaths Registration Act 1953 s 23A (as added) (see PARA 573 post) in accordance with the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 42A(4) (as added) but subject, in relation to Sch 2, Form 13, space 8 (cause of death), to reg 43(2), (3) (as amended) (see the text and notes 11, 19-20 *infra*): reg 43(1) (amended by SI 1997/844). As to the particulars required to be registered see PARA 508 ante.

7 Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 43(1) (as amended: see note 6 *supra*).

8 *Ie* under the Coroners Act 1988 s 19: see CORONERS vol 9(2) (2006 Reissue) PARA 965.

9 *Ie* under *ibid* s 19(3): see CORONERS vol 9(2) (2006 Reissue) PARA 965.

10 Births and Deaths Registration Act 1953 s 23(3) (amended by the Coroners Act 1988 s 36(1), Sch 3 para 4(4)).

11 Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 43(2) (amended by SI 1989/497). The prescribed words are: 'Certified by', inserting the name, surname and description of the coroner followed by the words 'after post-mortem without inquest': Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 43(2).

12 See *ibid* reg 44(a). In Sch 2, Form 13, space 8 he must enter in its margin the words 'Post-mortem without inquest held by the direction of', inserting the name, surname and description of the coroner, followed by the words 'and cause of death disclosed as', inserting the cause of death as certified by the coroner: reg 44(a).

13 For the meaning of 'superintendent registrar' see PARA 505 note 15 ante.

14 Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 44(b).

15 *Ie* a declaration for the purposes of the Births and Deaths Registration Act 1953 s 23A (as added): see PARA 573 post.

16 *Ie* in accordance with the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 42A (as added): see PARA 573 post.

17 *Ie* the particulars required by *ibid* reg 44(a): see note 12 *supra*.

18 *Ibid* reg 44A (added by SI 1997/844).

19 As to certificates of cause of death see PARA 563 ante.

20 Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 43(3).

21 *Ibid* reg 43(4).

UPDATE

566 Registration after report to coroner where no inquest is held

NOTE 4--SI 1987/2088 Sch 2 Form 13 substituted and SI 1987/2089 Sch 2 Form 10 amended: SI 2006/2827.

NOTE 6--SI 1987/2088 reg 43(1) further amended: SI 2006/2827.

NOTE 11--SI 1987/2088 reg 43(2) further amended: SI 2006/2827.

NOTE 12--SI 1987/2088 reg 44(a) amended: SI 2006/2827.

NOTE 20--SI 1987/2088 reg 43(3) amended: SI 2006/2827.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/2. EFFECTING REGISTRATION/(4) REGISTRATION OF DEATHS/(i) Procedure for Registration/567. Registration after inquest.

567. Registration after inquest.

Where an inquest is held into a death and the registrar¹ receives a certificate under the coroner's hand² (1) giving information concerning the death; and (2) specifying the finding with respect to the particulars required to be registered concerning the death³ and with respect to the cause of death, the registrar must register the death and the particulars as found at the inquest and, if the death has been previously registered, those particulars must be entered in the prescribed manner without any alteration of the original entry⁴.

Where, before the expiration of 12 months from the date of a death, the relevant registrar⁵ receives with reference to that death a coroner's certificate after an inquest⁶ he must register the death (whether or not it has already been registered) as follows⁷. He must enter the particulars contained in the certificate in the appropriate spaces in the prescribed form⁸ precisely as stated in the certificate, except that if any person is named in the certificate as having caused the death his name and surname must be omitted⁹. The registrar must enter the prescribed information in respect of the coroner and the inquest¹⁰ and draw a line through the space for the informant's signature¹¹. He must then enter the date on which the entry¹² is made and must sign the entry and add his official description¹³.

If the death has already been registered¹⁴, then if the registrar has custody of the register containing the previous entry, he must, without altering that entry, write in its margin the prescribed words to indicate its reregistration and the number of the new entry¹⁵. Where the previous entry is in a register in the custody of a superintendent registrar¹⁶, the registrar must give him a copy of the new entry together with particulars of the previous entry, whereupon the superintendent registrar must, without altering the previous entry, write in its margin prescribed words to indicate its reregistration and the number of the new entry and of the register¹⁷.

Where an inquest into a death is adjourned¹⁸ and the registrar receives from the coroner a certificate under his hand¹⁹ stating, so far as they have been ascertained at the date of the certificate, the particulars required to be registered concerning the death, the registrar must register the death and the particulars in the prescribed form and manner²⁰.

1 For the meaning of 'registrar' see PARA 505 note 4 ante.

2 I.e. under the Coroners Act 1988 s 11(7): see CORONERS vol 9(2) (2006 Reissue) PARA 1052. For the meaning of 'coroner' and 'inquest' see PARA 514 note 4 ante.

3 As to the particulars required to be registered see PARA 508 ante.

4 Births and Deaths Registration Act 1953 s 23(2) (amended by the Coroners Act 1988 s 36(1), Sch 3 para 4(2)).

5 For the meaning of 'relevant registrar' see PARA 540 note 1 ante.

6 As to the deaths which must be reported to the coroner see PARA 564 ante.

7 Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 45.

8 I.e. in *ibid* regs 2(2)(b), 39, Form 13, spaces 1-6, 8, or the corresponding spaces in the appropriate form prescribed for use in Wales: see PARA 508 ante.

- 9 Ibid reg 45(a). For the meaning of 'name' see PARA 505 note 6 ante.
- 10 Ie in ibid Sch 2, Form 13, space 7: (1) subject to head (2) infra, he must enter the words 'Certificate received from ...', inserting the name, surname and description of the coroner followed by the words 'Inquest held on ...', inserting the date of inquest as stated in the certificate; (2) if the inquest was adjourned, instead of the words 'Certificate received from' he must enter the words 'Certificate on inquest adjourned received from': reg 45(b).
- 11 See ibid reg 45(b), (c).
- 12 For the meaning of 'entry' see PARA 512 note 3 ante.
- 13 See the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 45(d), (e). As to the correction of such entries see PARAS 513, 515 ante.
- 14 Ie under ibid reg 45 (see the text and notes 1-11 supra) or reg 47(4) (see PARA 568 post): reg 46.
- 15 See the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 46(a).
- 16 For the meaning of 'superintendent registrar' see PARA 505 note 15 ante.
- 17 Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 46(b). The prescribed words are 'Reregistered on coroner's certificate at entry No ... in register No ...', inserting the number of the new entry and of the register: ibid reg 46(b).
- 18 Ie under the Coroners Act 1988 s 16 (as amended): see CORONERS vol 9(2) (2006 Reissue) PARA 1001.
- 19 Ie under ibid s 16(4): see CORONERS vol 9(2) (2006 Reissue) PARA 1001.
- 20 Births and Deaths Registration Act 1953 s 23(2A) (added by the Coroners Act 1988 Sch 3 para 4(3)).

UPDATE

567 Registration after inquest

NOTE 9--SI 1987/2088 reg 45(a) amended: SI 2006/2827.

NOTE 11--SI 1987/2088 reg 45(c) amended: SI 2006/2827.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/2. EFFECTING REGISTRATION/(4) REGISTRATION OF DEATHS/(i) Procedure for Registration/568. Registration more than twelve months after death.

568. Registration more than twelve months after death.

Where in respect of a death which occurred more than 12 months previously a relevant registrar¹ (1) is informed that the death has not been registered; or (2) receives, whether or not it has already been registered on the information of a qualified informant², a coroner's certificate after an inquest³, he must make a report to the Registrar General⁴ enclosing any certificate of the cause of death and any coroner's notification that he does not intend to hold an inquest or coroner's certificate after an inquest⁵. Except in a case to which head (2) above applies, the registrar must, in his report to the Registrar General, state:

- 151 (a) to the best of his knowledge and belief, the particulars required to be registered⁶ concerning the death;
- 152 (b) the source of his information; and

153 (c) the name, surname and address of any qualified informant available to give information for the registration⁷.

On receiving the Registrar General's written authority to register the death on the information of a qualified informant, the registrar must arrange for that informant to attend at his office and must register the death in his presence⁸, or in accordance with a declaration⁹ made in the presence of a prescribed officer¹⁰.

On receiving the Registrar General's written authority to register a death which has previously been registered and in respect of which the registrar has received a coroner's certificate after an inquest, the registrar must proceed to register the death¹¹ and must also make a marginal note of the reregistration on the original entry if he has custody of the register containing it, or, if he has not, give a copy of the new entry to the superintendent registrar having custody of that register, in which case the superintendent registrar must make the marginal entry¹².

After entering the date on which the entry is made in the appropriate space in the prescribed form¹³, the registrar must enter the words 'On the authority of the Registrar General'¹⁴.

1 For the meaning of 'relevant registrar' see PARA 540 note 1 ante.

2 As to persons qualified to give information in respect of a death see PARAS 570-571 post.

3 As to the deaths which must be reported to the coroner see PARA 564 ante; and for the meaning of 'coroner' and 'inquest' see PARA 514 note 4 ante.

4 As to the Registrar General see PARAS 605-606 post.

5 Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 47(1).

6 As to the particulars required to be registered see PARA 508 ante.

7 Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 47(2). For the meaning of 'name', in relation to a person, see PARA 505 note 6 ante.

8 Ibid reg 47(3). Subject to reg 47(6) (see the text and notes 13-14 infra), the provisions of reg 42, reg 43 (as amended) (other than reg 43(4)) or reg 45 (as the case may be) (see PARAS 565-567 ante) apply to registration under reg 47(3) (as amended: see note 10 infra) or reg 47(4) (see the text and note 11 infra) as they apply on a registration within 12 months: reg 47(5).

9 I.e. a declaration made for the purposes of the Births and Deaths Registration Act 1953 s 23A (as added): see PARA 573 post.

10 See the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 47(3) (amended by SI 1997/844). In such a case the particulars of death must be entered in accordance with the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 42A (as added) (see PARA 573 post): reg 47(3) (as so amended).

11 Ibid reg 47(4).

12 See ibid reg 46; and PARA 567 ante. For the meaning of 'superintendent registrar' see PARA 505 note 15 ante.

13 I.e. in ibid regs 2(2)(b), 39, Sch 2, Form 13, space 10: see PARA 508 ante.

14 Ibid reg 47(6).

(ii) Information

569. Notification to professional and local bodies.

Upon registering the death of a person who is a member of the medical profession¹, a dentist², a pharmaceutical chemist³, a veterinary surgeon⁴, or an ophthalmic or dispensing optician⁵, the registrar of births and deaths must forthwith send by post a copy certified under his hand of the entry in the register to the registrar of the profession of which the deceased was a registered member.

- 1 See the Medical Act 1983 s 30(6); and MEDICAL PROFESSIONS vol 30(1) (Reissue) PARA 34.
- 2 See the Dentists Act 1984 s 23(1); and MEDICAL PROFESSIONS vol 30(1) (Reissue) PARA 441.
- 3 See the Pharmacy Act 1954 s 13(3); and MEDICAL PROFESSIONS vol 30(1) (Reissue) PARA 900.
- 4 See the Veterinary Surgeons Act 1966 s 13(1); and ANIMALS vol 2 (2008) PARA 1144.
- 5 See the Opticians Act 1989 s 10(2); and MEDICAL PROFESSIONS vol 30(1) (Reissue) PARA 843.

UPDATE

569 Notification to professional and local bodies

NOTES--Certain functions under provisions mentioned in this paragraph are 'relevant functions' for the purposes of the Regulatory Enforcement and Sanctions Act 2008 s 4, Sch 3: see LOCAL GOVERNMENT vol 69 (2009) PARA 733. Certain persons or indorsements mentioned in this paragraph are specified for the purposes of Regulatory Enforcement and Sanctions Act 2008 s 37, Schs 5, 6 (meaning of 'regulator' for the purposes of imposing civil sanctions): see ADMINISTRATIVE LAW vol 1(1) (2001 Reissue) PARA 196A.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/2. EFFECTING REGISTRATION/(4) REGISTRATION OF DEATHS/(ii) Information/570. Persons qualified and required to give information concerning death in a house.

570. Persons qualified and required to give information concerning death in a house.

Where a person dies in a house¹, the following persons are qualified to give information concerning the death²:

- 154 (1) any relative³ of the deceased person present at the death or in attendance during his last illness;
- 155 (2) any other relative of the deceased residing or being in the sub-district⁴ where the death occurred;
- 156 (3) any person present at the death;
- 157 (4) the occupier⁵ of the house if he knew of the happening of the death;
- 158 (5) any inmate of the house who knew of the happening of the death;
- 159 (6) the person causing the disposal of the body⁶.

Except where an inquest is held touching the death⁷, the qualified informants are under a duty to give information to the best of their knowledge and belief of the particulars required to be registered concerning the death⁸ and to sign the register in the presence of the registrar⁹ in the following order:

- 160 (a) first, the nearest relative of the deceased person present at the death or in attendance during his last illness; or
- 161 (b) second, if there is no such relative, each such relative as is mentioned in head (2) above; or
- 162 (c) third, if there are no such relatives, each such person as is mentioned in head (3) or head (4) above; or
- 163 (d) fourth, if there are no such relatives or persons, each such person as is mentioned in head (5) or head (6) above¹⁰.

If any person upon whom a duty to give information concerning a death is imposed by head (a) above fails to give that information and that information is not given by anyone else, he is liable on summary conviction to a fine not exceeding level 1 on the standard scale¹¹. The giving of information and the signing of the register by any one qualified informant acts as a discharge of the duty of every other qualified informant¹².

1 'House' includes a public institution, and 'public institution' means a prison, lock-up or hospital, and such other public or charitable institution as may be prescribed: Births and Deaths Registration Act 1953 s 41. For the meaning of 'prescribed' see PARA 504 note 5 ante. All institutions maintained wholly or mainly from public funds or charitable endowments or subscriptions or any combination thereof are public institutions for these purposes: see the Registration of Births, Deaths and Marriages Regulations 1968, SI 1968/2049, reg 2(2). As to the notification of deaths of persons in nursing homes see SOCIAL SERVICES AND COMMUNITY CARE. As to the duty to notify deaths of other persons in institutions see CORONERS vol 9(2) (2006 Reissue) PARA 952.

2 Births and Deaths Registration Act 1953 s 16(1), (2).

3 'Relative' includes a relative by marriage: *ibid* s 41 (definition amended by the Children Act 1975 s 108(1), Sch 4 Pt I).

4 As to registration sub-districts see PARA 619 post.

5 In relation to a public institution, 'occupier' includes the governor, keeper, master, matron, superintendent or other chief resident officer, and in relation to a house let in separate apartments or lodgings includes any person residing in the house who is the person under whom the lodgings or separate apartments are immediately held, or his agent: Births and Deaths Registration Act 1953 s 41.

6 *Ibid* s 16(2). 'Disposal', in relation to a dead body, means disposal by burial, cremation or any other means, and cognate expressions are to be construed accordingly: s 41.

7 See *ibid* s 16(3) proviso (ii) (amended by the Coroners Act 1980 s 1, Sch 2).

8 As to the particulars required to be registered see PARA 508 ante. The particulars must be given before the expiration of five days from the date of the death: Births and Deaths Registration Act 1953 s 16(3).

9 For the meaning of 'registrar' see PARA 505 note 4 ante.

10 See the Births and Deaths Registration Act 1953 s 16(3).

11 See *ibid* s 36(e) (amended by virtue of the Criminal Justice Act 1982 ss 38, 46). As to the standard scale see PARA 528 note 2 ante.

12 Births and Deaths Registration Act 1953 s 16(3) proviso (i). As to giving information by means of a declaration made before a person other than the registrar see s 23A (as added); and PARA 573 post. As to the registration of deaths at sea and abroad see PARA 578 et seq post. For the offences and penalties on making false statements as to deaths see PARA 534 ante.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/2. EFFECTING REGISTRATION/(4) REGISTRATION OF DEATHS/(ii) Information/571. Persons qualified and required to give information concerning death elsewhere.

571. Persons qualified and required to give information concerning death elsewhere.

Where a person dies elsewhere than in a house¹ or where a dead body is found and no information as to the place of death is available, the following persons are qualified to give information concerning the death²:

- 164 (1) any relative³ of the deceased who has knowledge of any of the particulars required to be registered concerning the death⁴;
- 165 (2) any person present at the death;
- 166 (3) any person finding or taking charge of the body;
- 167 (4) any person causing the disposal of the body⁵.

Except where an inquest is held touching the death⁶, it is the duty of each such relative as is mentioned in head (1) above, or if there are no such relatives, of each other qualified informant, to give to the registrar such information of the particulars required to be registered concerning the death as the informant possesses, and to sign the register in the presence of the registrar⁷.

If any relative mentioned in head (1) above upon whom a duty to give information concerning a death is imposed fails to give that information and that information is not given by anyone else, he is liable on summary conviction to a fine not exceeding level 1 on the standard scale⁸. The giving of information and the signing of the register by any one qualified informant acts as a discharge of the duty of every other qualified informant⁹.

1 For the meaning of 'house' see PARA 570 note 1 ante.

2 Births and Deaths Registration Act 1953 s 17(1), (2).

3 For the meaning of 'relative' see PARA 570 note 3 ante.

4 As to the particulars to be registered see PARAS 508, 561 ante. The particulars must be given before the expiration of five days from the date of the death or of the finding of the body: Births and Deaths Registration Act 1953 s 17(3).

5 Ibid s 17(2). For the meaning of 'disposal' see PARA 570 note 6 ante.

6 See ibid s 17(3) proviso (ii) (amended by the Coroners Act 1980 s 1(b), Sch 2). As to the steps taken after an inquest see CORONERS vol 9(2) (2006 Reissue) PARA 1052 et seq.

7 Births and Deaths Registration Act 1953 s 17(3).

8 See ibid s 36(e) (amended by virtue of the Criminal Justice Act 1982 ss 38, 46). As to the standard scale see PARA 528 note 2 ante.

9 Births and Deaths Registration Act 1953 s 17(3) proviso (i). As to giving information by means of a declaration made before a person other than the registrar see s 23A (as added); and PARA 573 post. As to the registration of deaths at sea and abroad see PARA 578 et seq post. For the offences and penalties on making false statements as to deaths see PARA 534 ante.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/2. EFFECTING REGISTRATION/(4) REGISTRATION OF DEATHS/(ii) Information/572. Time within which information must be given.

572. Time within which information must be given.

The person whose duty it is to give information concerning a death and to sign the register must do so before the expiration of five days from the date of death or of the finding of the body¹. If before the expiration of that time a qualified informant² of that person's death sends a written notice to the registrar of the occurrence of the death or of the finding accompanied by a notice from a registered medical practitioner³ of the signing of a certificate of the cause of death⁴, the information of the particulars need not be given within five days but must be given before the expiration of 14 days from the death or the finding of the body by the person giving the notice or by some other qualified informant⁵.

1 See the Births and Deaths Registration Act 1953 ss 16(3), 17(3), and PARAS 570-571 ante. As to the furnishing of information to registrars by coroners see s 23 (as amended); and PARA 567 ante.

2 As to the persons who are qualified to give information in relation to a death see PARAS 570-571 ante.

3 For the meaning of 'registered medical practitioner' see MEDICAL PROFESSIONS vol 30(1) (Reissue) PARA 4.

4 The notice is that required by the Births and Deaths Registration Act 1953 s 22(2) (as amended): see PARA 563 ante.

5 Ibid s 18. For the manner of registration of a death in respect of which a medical certificate has been delivered to the registrar and which is not required to be reported to the coroner see PARA 565 ante.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/2. EFFECTING REGISTRATION/(4) REGISTRATION OF DEATHS/(ii) Information/573. Giving of information concerning a death by means of a declaration.

573. Giving of information concerning a death by means of a declaration.

Any person required¹ to give information to the registrar² of the particulars required to be registered concerning a death³ may give that information by making and signing in the presence of and delivering to such officer as may be prescribed⁴ a declaration in writing⁵. No such declaration may be made unless the officer in whose presence the declaration is to be made has in his possession a copy of the death certificate or coroner's certificate after post-mortem delivered to the relevant registrar⁶. The registrar must, if so requested by the officer in whose presence the declaration is to be made, supply a copy of the appropriate certificate to him⁷.

The officer before whom the declaration is to be made must:

- 168 (1) enter in the declaration the particulars required to be registered concerning the death, using a form approved by the Registrar General⁸ for the purpose;
- 169 (2) show or read the particulars entered on the form to the informant and correct any error or omission, requiring the informant to initial any amendment and then to sign the declaration;
- 170 (3) attest the declaration himself; and
- 171 (4) send the declaration to the relevant registrar⁹.

Where it appears to the relevant registrar that the particulars contained in a declaration are in any material respect not proper to be registered, he must, unless the reason why the death cannot be registered is that it must be reported to the coroner¹⁰, return the declaration to the officer before whom it was attested together with a note of the matters in which it appears to need amendment, and that officer must then amend any error by striking out any incorrect particulars and inserting the correct particulars in the presence of the declarant¹¹. Any amendment so made must be initialled by the declarant and the declaration must be returned to the relevant registrar¹². On receiving the declaration the registrar must enter the particulars of the death in the register in the prescribed manner¹³ in the appropriate spaces of the prescribed form¹⁴ as they appear in the corresponding spaces of the declaration, except that where any particulars have been corrected, he must enter in the register only the particulars as corrected¹⁵. The registrar must then enter the cause of death as it appears in the certificate of cause of death or coroner's certificate delivered to him¹⁶ and the name of the declarant in the form in which he signed the declaration, inserting the date on which the declaration was made and signed¹⁷. He must enter the date on which the entry is made and sign the entry, adding his official description¹⁸.

An entry so made is deemed for the statutory purposes to have been signed by the person who signed the declaration and a person who makes a declaration is deemed to have given information concerning the death to the registrar and to have complied with any requirement of the registrar¹⁹ to attend and give that information²⁰.

Where the person by whom such a declaration is made is a relative of the deceased person, he is deemed, for the purposes of determining his qualification to give information concerning the death, to be in the sub-district where the death occurred²¹.

A person who delivers notice of the signing of a certificate of cause of death²² to the officer in whose presence a declaration is made is deemed to have delivered that notice to the registrar²³.

1 Ie by or under the Births and Deaths Registration Act 1953: see PARAS 508 et seq ante, 574 et seq post. A person is not required to give information where an inquest is held touching the death: see PARAS 570-571 ante.

2 For the meaning of 'registrar' see PARA 505 note 4 ante.

3 As to the particulars required to be registered see PARA 508 ante.

4 For the meaning of 'prescribed' see PARA 504 note 6 ante. The officer before whom a declaration may be made is any registrar other than the relevant registrar: Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 42A(1) (reg 42A added by SI 1997/844). For the meaning of 'relevant registrar' see PARA 540 note 1 ante.

5 Births and Deaths Registration Act 1953 s 23A(1) (s 23A added by the Deregulation (Still-birth and Death Registration) Order 1996, SI 1996/2395, art 3).

6 See the Births and Deaths Registration Act 1953 s 23A(2) (as added: see note 5 supra). If no post-mortem examination of the deceased person's body is made by virtue of the Coroners Act 1988 s 19, a certificate as to the cause of death must be delivered to the registrar by the certifying medical practitioner under the Births and Deaths Registration Act 1953 s 22(1) (see PARA 563 ante); if a post-mortem examination of the deceased person's body is made, a certificate given by the coroner, stating the cause of death as revealed by the post-mortem examination, must be delivered to the registrar under s 23(3) (as amended) (see PARA 566 ante): see s 23A(2)(a), (b) (as so added).

7 Ibid s 23A(2) (as added: see note 5 supra).

8 As to the Registrar General see PARAS 605-606 post.

9 Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 42A(2) (as added: see note 4 supra); and see the Births and Deaths Registration Act 1953 s 23A(3) (as added: see note 5 supra).

10 Ie in a case to which the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 41 applies: see PARA 564 ante.

- 11 Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 42A(3)(a) (as added: see note 4 supra).
- 12 Ibid reg 42A(3)(b) (as added: see note 4 supra).
- 13 Ibid reg 42A(4) (as added: see note 4 supra); and see the Births and Deaths Registration Act 1953 s 23A(3) (as added: see note 5 supra).
- 14 See the Registration of Births and Deaths Regulations 1987, SI 1987/2088, regs 2(2)(b), 39, Sch 2, Form 13, spaces 1-7 or the corresponding spaces in the prescribed form for use in Wales: see further PARA 508 ante.
- 15 Ibid reg 42A(4)(a) (as added: see note 4 supra).
- 16 Ie under the Births and Deaths Registration Act 1953 s 22(1): see PARA 563 ante.
- 17 Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 42A(4)(b), (c) (as added: see note 4 supra).
- 18 Ibid reg 42A(4)(d), (e) (as added: see note 4 supra).
- 19 Ie made under the Births and Deaths Registration Act 1953: s 23A(4) (as added: see note 5 supra).
- 20 Ibid s 23A(4) (as added: see note 5 supra).
- 21 Ibid s 23A(5) (as added: see note 5 supra).
- 22 Ie under ibid s 22(2): see PARA 563 ante.
- 23 Ibid s 23A(6) (as added: see note 5 supra).

UPDATE

573 Giving of information concerning a death by means of a declaration

TEXT AND NOTE 9--SI 1987/2088 reg 42A(2) amended: SI 2006/2827.

NOTE 17--SI 1987/2088 reg 42A(4)(b), (c) amended: SI 2006/2827.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/2. EFFECTING REGISTRATION/(4) REGISTRATION OF DEATHS/(ii) Information/574. Registrar's power to require information.

574. Registrar's power to require information.

Where a death has not been registered after the expiration of the relevant period¹ from the date of the death or of the finding of the dead body of any person, owing to the default of the persons required to give information² concerning it, the registrar may by written notice require any qualified informant³ to attend personally at his office or at some other appointed place⁴ before such date as may be specified in the notice⁵, to give information to the best of the informant's knowledge and belief of the particulars required to be registered concerning the death⁶ and to sign the register in the presence of the registrar⁷. These requirements cease to have effect if, before the date specified in the notice and before the person to whom the notice is given complies with it, either the death is duly registered⁸ or an inquest is held touching the death of the deceased person⁹.

1 'The relevant period' means 14 days where notice has been duly given to the registrar in accordance with the Births and Deaths Registration Act 1953 s 18 (see PARA 572 ante) (s 19(2)(a)), and five days in any other case (s 19(2)(b)). For the meaning of 'registrar' see PARA 505 note 4 ante.

2 As to the persons upon whom the duty to give information lies see PARAS 570-571 ante.

3 As to persons who are qualified to give information in respect of a death see PARAS 570-571 ante.

4 In a place within the registrar's sub-district: Births and Deaths Registration Act 1953 s 19(1)(a). As to sub-districts see PARA 619 post.

5 Ibid s 19(1)(a). The date must not be less than seven days after the receipt of the notice or more than 12 months from the date of the death or the finding of the body: s 19(1)(a).

6 Ibid s 19(1)(b). For the penalty for failure to give such information see s 36(a) (as amended); and PARA 532 ante.

7 Ibid s 19(1)(c).

8 Ibid s 19(1) proviso (i).

9 Ibid s 19(1) proviso (ii) (amended by the Coroners Act 1980 s 1(b), Sch 2). For the steps to be taken after an inquest has been held see CORONERS vol 9(2) (2006 Reissue) PARA 1052 et seq.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/2. EFFECTING REGISTRATION/(4) REGISTRATION OF DEATHS/(ii) Information/575. Duty to give certificates for disposal.

575. Duty to give certificates for disposal.

Upon registering a death, the registrar must forthwith give to the informant a certificate under his hand that he has registered the death (a 'certificate for disposal')¹. Alternatively, if he has received written notice of a death in respect of which he has been sent a medical certificate², he may, subject to such conditions as may be prescribed³, give a certificate that he has received notice of the death (a 'certificate for disposal before registration'), if requested to do so by the person sending the notice⁴. Any such certificate must be given without fee⁵, but the registrar may not issue any such certificate in any case in which he is satisfied that a coroner's order has been issued authorising the disposal of the body⁶.

A certificate for disposal must be given by the relevant registrar⁷ on a form approved by the Registrar General⁸ which, for the use of the person effecting the disposal⁹, must embody a prescribed form of notification of disposal¹⁰. A registrar must not give a certificate for disposal before registration except for the purpose of burial in England or Wales, and then only:

172 (1) if the death is one which is not required to be reported to the coroner¹¹; or

173 (2) if the death has been reported, unless the registrar has received a coroner's certificate after inquest¹² or a notification from a coroner that he does not intend to hold an inquest and the registrar is satisfied that a coroner's order has not been issued authorising the disposal of the body¹³.

Where the body of a deceased person has been removed into England or Wales from some place outside both those countries for disposal, and no order has been given by a coroner in respect of it, the registrar of the sub-district¹⁴ in which it is intended to dispose of the body must, if it appears that the death is not required by law to be registered in England and Wales, give a certificate to that effect in the prescribed form¹⁵ upon application by the person procuring the disposal¹⁶.

Any person to whom any certificate issued by the registrar under these provisions is delivered must transmit it to the person effecting the disposal of the body of the deceased person¹⁷.

The body of a deceased person must not be disposed of before a registrar's certificate or coroner's order has been delivered to the person effecting the disposal; but it is lawful for the person effecting the disposal by burial of the body of any deceased person, if satisfied by a written declaration in the prescribed form¹⁸ by the person procuring the disposal that such a certificate or order has been issued in respect of the deceased, to proceed with the burial notwithstanding that the certificate or order has not been previously delivered to him¹⁹. Any person contravening these provisions is liable on summary conviction to a fine not exceeding level 1 on the standard scale²⁰.

1 As to certificates for disposal see the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 48. The registrar must not give a certificate if the body is one to which the Visiting Forces Act 1952 s 7(4) applies (see ARMED FORCES) and it is proposed to move the body out of England: s 7(5). As to the general prohibition on removing the body of a deceased person out of England without notice see the Births and Deaths Registration Act 1926 s 4 (as amended); and CREMATION AND BURIAL. Any person who refuses or fails without reasonable excuse to give, deliver or send any certificate which he is required by the Births and Deaths Registration Act 1953 to give, deliver or send is liable on summary conviction to a fine not exceeding level 1 on the standard scale: s 36(b) (amended by virtue of the Criminal Justice Act 1982 ss 38, 46). As to the standard scale see PARA 528 note 2 ante.

2 le a certificate under the Births and Deaths Registration Act 1953 s 22 (as amended): see PARA 563 et seq ante.

3 For the meaning of 'prescribed' see PARA 504 note 6 ante. For the prescribed conditions see heads (1)-(2) in the text.

4 See the Births and Deaths Registration Act 1953 s 24(1); and see CREMATION AND BURIAL. 'Certificate for disposal before registration' means a certificate of a registrar under s 24 that he has received written notice of a death: Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 48.

5 Births and Deaths Registration Act 1953 s 24(1).

6 Ibid s 24(1) proviso.

7 For the meaning of 'relevant registrar' see PARA 540 note 1 ante.

8 As to the Registrar General see PARAS 605-606 post.

9 'Person effecting the disposal' means the person by whom or whose officer the register in which the disposal is to be recorded is kept, except that in the case of a burial under the Burial Laws Amendment Act 1880 or the Welsh Church (Burial Grounds) Act 1945 s 4, in the churchyard or graveyard of a parish or ecclesiastical district, it must be construed as referring to the relative, friend or legal personal representative having charge of or being responsible for the burial of the deceased person: Births and Deaths Registration Act 1953 s 24(6). See generally CREMATION AND BURIAL. As to coffins containing more than one body see the Births and Deaths Registration Act 1874 s 19 (as amended); and CREMATION AND BURIAL.

10 Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 49(1). For the prescribed form of notification of disposal see reg 2(2)(b), Sch 2, Form 17 or, in relation to a death occurring in Wales, the Registration of Births and Deaths (Welsh Language) Regulations 1987, SI 1987/2089, reg 2(a) (as amended), Sch 2, Form 14.

11 As to the deaths which are required to be reported to the coroner see PARA 564 ante.

12 See PARA 567 ante. For the meaning of 'inquest' see PARA 514 note 4 ante.

13 Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 49(2).

14 As to registration sub-districts see PARA 619 post.

15 For the prescribed form see the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 52, Sch 2, Form 19.

16 Births and Deaths Registration Act 1953 s 24(2) (amended by the Registration of Births, Deaths and Marriages (Fees) Order 1968, SI 1968/1242, art 4(1), Sch 2).

17 Births and Deaths Registration Act 1953 s 24(3).

18 For the prescribed form of declaration see the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 49(3), Sch 2, Form 18 or, in relation to a death occurring in Wales, the Registration of Births and Deaths (Welsh Language) Regulations 1987, SI 1987/2089, Sch 2, Form 15.

19 Births and Deaths Registration Act 1926 s 1(1).

20 Ibid s 1(2) (amended by virtue of the Criminal Justice Act 1982 ss 38, 46). Except where applied by regulations made under the Cremation Act 1902 s 7, this provision does not apply to cremation: Births and Deaths Registration Act 1926 s 10. See further CREMATION AND BURIAL.

UPDATE

575 Duty to give certificates for disposal

TEXT AND NOTE 13--SI 1987/2088 reg 49(2) amended: SI 2006/2827.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/2. EFFECTING REGISTRATION/(4) REGISTRATION OF DEATHS/(ii) Information/576. Duplicate certificates.

576. Duplicate certificates.

A registrar¹ by whom a certificate as to the registration of death² has been given may, upon receiving a satisfactory explanation of any circumstances by reason of which the certificate is not available for the purposes of the enactments relating to the disposal of the bodies of dead persons³, issue a duplicate certificate either to the person to whom the original certificate was given or to the person effecting the disposal⁴ of the body, and such a duplicate certificate must be in a distinctive form⁵.

1 For the meaning of 'registrar' see PARA 505 note 4 ante.

2 Ie under the Births and Deaths Registration Act 1953 s 24 (as amended): see PARA 575 ante.

3 As to the relevant enactments see CREMATION AND BURIAL.

4 For the meaning of 'person effecting the disposal' see PARA 575 note 9 ante.

5 Births and Deaths Registration Act 1953 s 24(4) (amended by the Registration of Births, Deaths and Marriages (Fees) Order 1968, SI 1968/1242, art 4(1), Sch 2).

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/2. EFFECTING REGISTRATION/(4) REGISTRATION OF DEATHS/(ii) Information/577. Inquiry by registrar in default of notification of disposal of body.

577. Inquiry by registrar in default of notification of disposal of body.

Where, on the expiration of the prescribed period¹ after the issue of a certificate as to registration of death² or of a coroner's order authorising the disposal³ of the body, no

notification as to date, place and means of disposal of the body⁴ has been received by the registrar from the person effecting the disposal, the registrar must make inquiry of the person to whom the certificate or order was issued, and it is the duty of that person to give information to the best of his knowledge and belief as to the person having the custody of the certificate or order, the place in which the body is lying or, if the body has been disposed of, the person effecting the disposal⁵.

Where in response to such an inquiry the registrar is informed that the body of the deceased person has not been disposed of, he must, unless he is informed that the body is being held for the purposes of the Anatomy Act 1984⁶ or the Human Tissue Act 1961⁷, report the matter to the officer responsible for matters of environmental health for the district in which the body is lying⁸. Where after such an inquiry it appears to the registrar that the body has been disposed of and notification of disposal has not been made to him within the time required, he must immediately ask the person effecting the disposal of the body to deliver the notification to him and, if the notification is not received within three days, he must report the matter to the Registrar General⁹.

1 For the meaning of 'prescribed' see PARA 504 note 5 ante. The prescribed period is 14 days after the date of the issue of the certificate for disposal or coroner's order: see the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 51(1). For the meaning of 'registrar' see PARA 505 note 4 ante.

2 See under the Births and Deaths Registration Act 1953 s 24 (as amended): see PARA 575 ante.

3 For the meaning of 'disposal' see PARA 570 note 6 ante.

4 The person effecting the disposal of the body of any deceased person must, within 96 hours of the disposal, deliver to the registrar in the prescribed manner a notification as to the date, place and means of disposal of the body: Births and Deaths Registration Act 1926 s 3(1). Where a declaration has been made as mentioned in the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 49(3) (see PARA 575 text and notes 18-19 ante), the person effecting the disposal must notify the relevant registrar in writing in the terms used in regs 2(2)(b), 49(1), Sch 2, Form 17: reg 50(b). In other cases, that person must write, sign and date the notification of disposal embodied in Sch 2, Form 17 or in the coroner's order with regard to the deceased, and detach the notification and deliver it to the relevant registrar: reg 50(a). For the meaning of 'person effecting the disposal' see PARA 575 note 9 ante; and for the meaning of 'relevant registrar' see PARA 540 note 1 ante.

5 Births and Deaths Registration Act 1953 s 24(5).

6 See MEDICAL PROFESSIONS vol 30(1) (Reissue) PARA 226 et seq.

7 See MEDICAL PROFESSIONS vol 30(1) (Reissue) PARA 225.

8 Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 51(2).

9 Ibid reg 51(3).

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/2. EFFECTING REGISTRATION/(5) REGISTRATION OF EVENTS AT SEA AND ABROAD/(i) Registration of Births and Deaths/A. BIRTHS AND DEATHS AT SEA OR ON CIVIL AIRCRAFT/578. Births and deaths on merchant ships.

(5) REGISTRATION OF EVENTS AT SEA AND ABROAD

(i) Registration of Births and Deaths

A. BIRTHS AND DEATHS AT SEA OR ON CIVIL AIRCRAFT

578. Births and deaths on merchant ships.

The master of a ship registered in the United Kingdom¹ must make a return² of any births or deaths on the ship³, or of the death of any person employed on the ship who dies outside the United Kingdom⁴. The master of a ship not registered in the United Kingdom must make a return of the birth or death of any British citizen⁵, British Dependent Territories citizen⁶ or British Overseas citizen⁷ on the ship when the ship thereafter calls at a port in the United Kingdom in the course of or at the end of the voyage during which the birth or death occurs⁸. Returns must be made, in the case of a birth or death which occurs in the ship, to a superintendent⁹ or proper officer¹⁰ for the place where the ship is at the time of the birth or death, or at which it next calls thereafter; and in the case of a death which occurs elsewhere than in the ship, to a superintendent or proper officer for the place where the ship is when the master first becomes aware of the death, or at which it next calls thereafter¹¹. When a return made in accordance with these provisions is sent to the Registrar General of Shipping and Seamen¹², he must send a certified copy to the Registrar General¹³, who must record the information contained therein in a register known as the marine register and may record in that register such additional information as appears to him desirable for the purpose of ensuring the completeness and correctness of the register¹⁴. Particulars of certain other births or deaths outside the United Kingdom may also be recorded in the marine register¹⁵.

The registration of births and deaths on Her Majesty's ships is subject to separate statutory regulation¹⁶.

1 As to registration of ships see SHIPPING AND MARITIME LAW vol 93 (2008) PARA 245 et seq; and for the meaning of 'United Kingdom' see PARA 539 note 11 ante.

2 The return must be in writing, must be signed by the master of the ship as informant and must contain the particulars specified in the Merchant Shipping (Returns of Births and Deaths) Regulations 1979, SI 1979/1577, reg 6, Sch 1 (births) or Sch 2 (deaths) or so many of those particulars as the master is reasonably able to obtain, having regard to the circumstances of the birth or death: reg 6.

3 Where it appears to the Registrar General of Shipping and Seamen (see note 12 infra) that the master of the ship cannot perform this duty because he has died or is incapacitated or missing, he must himself, in certain circumstances, record such of the information concerning the death as he is able to obtain: see *ibid* reg 7.

4 See *ibid* regs 2, 3; and SHIPPING AND MARITIME LAW vol 94 (2008) PARAS 654-655.

5 For these purposes, 'British citizen' has the same meaning as in the British Nationality Act 1981 (see BRITISH NATIONALITY, IMMIGRATION AND ASYLUM vol 4(2) (2002 Reissue) PARA 23 et seq): Merchant Shipping Act 1995 s 313(1).

6 For these purposes, 'British Dependent Territories citizen' has the same meaning as in the British Nationality Act 1981 (see BRITISH NATIONALITY, IMMIGRATION AND ASYLUM vol 4(2) (2002 Reissue) PARA 44 et seq): Merchant Shipping Act 1995 s 313(1).

7 For these purposes, 'British Overseas citizen' has the same meaning as in the British Nationality Act 1981 (see BRITISH NATIONALITY, IMMIGRATION AND ASYLUM vol 4(2) (2002 Reissue) PARA 58 et seq): Merchant Shipping Act 1995 s 313(1).

8 See the Merchant Shipping (Returns of Births and Deaths) Regulations 1979, SI 1979/1577, regs 4, 5, 6 (amended by virtue of the Interpretation Act 1978 s 17(2)(a)); and SHIPPING AND MARITIME LAW vol 94 (2008) PARAS 654-655.

9 'Superintendent' means a mercantile marine superintendent appointed under the Merchant Shipping Act 1995: s 313(1).

10 'Proper officer' means a consular officer appointed by Her Majesty's Government in the United Kingdom and, in relation to a port in a country outside the United Kingdom which is not a foreign country, also any officer exercising in that port functions similar to those of a superintendent: *ibid* s 313(1).

11 See the Merchant Shipping (Returns of Births and Deaths) Regulations 1979, SI 1979/1577, reg 5.

12 As to the Registrar General of Shipping and Seamen see SHIPPING AND MARITIME LAW vol 93 (2008) PARA 61.

13 Merchant Shipping (Returns of Births and Deaths) Regulations 1979, SI 1979/1577, reg 9. As to the Registrar General see PARAS 605-606 post. The appropriate Registrar General for these purposes is: (1) in the case of the birth of a child the father of whom or, if the parents are not married to each other, the mother of whom was at the time of the birth usually resident in Scotland or Northern Ireland; or (2) in the case of the death of a person who at the date of his death was usually resident in Scotland or in Northern Ireland the Registrar General of Births, Deaths and Marriages for Scotland or the Registrar General for Northern Ireland, as the case may require: reg 11(a)(i), (ii). In any other case, the appropriate Registrar General is the Registrar General for England and Wales: reg 11(b). The Registrar General of Shipping and Seamen must also send a certified copy of any record made under reg 7: see note 3 supra.

14 See the Merchant Shipping Act 1995 s 108(8); and SHIPPING AND MARITIME LAW vol 94 (2008) PARA 654.

15 See the Merchant Shipping (Returns of Births and Deaths) Regulations 1979, SI 1979/1577, reg 10; para 581 post; and SHIPPING AND MARITIME LAW vol 94 (2008) PARA 655.

16 See PARA 584 post.

UPDATE

578 Births and deaths on merchant ships

NOTES--Certain persons or indorsements mentioned in this paragraph are specified for the purposes of Regulatory Enforcement and Sanctions Act 2008 s 37, Schs 5, 6 (meaning of 'regulator' for the purposes of imposing civil sanctions): see ADMINISTRATIVE LAW vol 1(1) (2001 Reissue) PARA 196A.

NOTES 2, 13--SI 1979/1577 reg 11, Sch 1 amended: SI 2009/1892.

TEXT AND NOTE 6--For 'British Dependent Territories citizen' read 'British overseas territories citizen': see the British Overseas Territories Act 2002 s 2(3).

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579. Reregistration on legitimation of a person born at sea.

Where the Registrar General authorises¹ the reregistration of the birth² of a legitimated person³ who has born at sea and whose birth was included in a return sent to the Registrar General, a parent of the legitimated person must verify the particulars required on reregistration⁴ by making and signing on an approved form a declaration of those particulars before a registrar⁵ or a relevant authority⁶ and the parent must send the declaration to the Registrar General⁷.

In relation to any such case, a person deputed for the purpose by the Registrar General must, on receiving the Registrar General's authority together with the declaration made by the parent, effect reregistration by making the entry in a register to be kept at the General Register Office⁸ in the prescribed form⁹, copying the particulars recorded in the spaces of the authority into the corresponding spaces of the form and noting in the margin of any previous record of the birth in the custody of the Registrar General the prescribed words¹⁰, inserting the date of reregistration¹¹. That person must send a copy of the previous record, including a copy of the marginal note, certified under the seal of the General Register Office, to the authority from whom that record was received by the Registrar General¹².

- 1 le under the Births and Deaths Registration Act 1953 s 14(1) (as amended): see PARA 552 ante.
- 2 For the meaning of 'birth' see PARA 504 note 5 ante.
- 3 As to the meaning of 'legitimated person' see PARA 552 note 2 ante.
- 4 As to the particulars required on reregistration see PARA 554 ante.
- 5 For the meaning of 'registrar' see PARA 505 note 4 ante.
- 6 For the meaning of 'relevant authority' see PARA 554 note 15 ante (definition applied by the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 26(1)(a)).
- 7 Ibid reg 26(1).
- 8 As to the General Register Office see PARAS 501-503 ante, 605 post.
- 9 For the prescribed form see the Registration of Births and Deaths Regulations 1987, SI 1987/2088, regs 2(2)(b), 26(2), Sch 2, Form 7.
- 10 le the words 'Reregistered under section 14 of the Births and Deaths Registration Act 1953, on': see the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 26(2)(b).
- 11 Ibid reg 26(2)(a), (b).
- 12 Ibid reg 26(2)(c).

UPDATE

579 Reregistration on legitimation of a person born at sea

TEXT AND NOTES 4, 7, 8--References to 'parent' amended so that as to include, in an appropriate case, reference to the mother's civil partner: see SI 1987/2088 regs 2(2), 26 (amended by SI 2009/2165).

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/2. EFFECTING REGISTRATION/(5) REGISTRATION OF EVENTS AT SEA AND ABROAD/(i) Registration of Births and Deaths/A. BIRTHS AND DEATHS AT SEA OR ON CIVIL AIRCRAFT/580. Reregistration of birth at sea after declaration of parentage.

580. Reregistration of birth at sea after declaration of parentage.

The provisions relating to reregistration of a birth after a declaration of parentage has been received by the Registrar General¹ apply in relation to births at sea of which a return is sent to him with the following modifications².

Where the Registrar General authorises³ the reregistration of the birth⁴ of a person who was born at sea and whose birth was included in a return sent to the Registrar General, a person deputed for the purpose by him must, on receiving his authority, effect reregistration by:

- 174 (1) making the entry in a register to be kept at the General Register Office⁵ in the prescribed form⁶, copying the particulars recorded in the spaces of the authority into the corresponding spaces of the form;
- 175 (2) noting in the margin of any previous record of birth in the custody of the Registrar General the fact and date of reregistration; and

- 176 (3) sending a copy of the previous record, including a copy of the marginal note, certified under the seal of the General Register Office, to the authority from whom that record was received by the Registrar General⁷.

1 In the Births and Deaths Registration Act 1953 s 14A(1) (as added): see PARA 557 ante. As to the Registrar General see PARAS 605-606 post.

2 See *ibid* s 14A(2) (added by the Family Law Reform Act 1987 s 26).

3 In the Births and Deaths Registration Act 1953 s 14A(1) (as added): see PARA 557 ante.

4 For the meaning of 'birth' see PARA 504 note 5 ante.

5 As to the General Register Office see PARAS 501-503 ante, 605 post.

6 For the prescribed form see the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 2(2) (b), Sch 2, Form 7: reg 26C (added by SI 1988/638).

7 See the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 26C (as added: see note 6 supra).

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/2. EFFECTING REGISTRATION/(5) REGISTRATION OF EVENTS AT SEA AND ABROAD/(i) Registration of Births and Deaths/A. BIRTHS AND DEATHS AT SEA OR ON CIVIL AIRCRAFT/581. Deaths on offshore installations.

581. Deaths on offshore installations.

Where any person:

- 177 (1) dies on an offshore installation¹ or is lost from an installation in circumstances such that it is reasonable to believe that he has died; or
 178 (2) dies in or on a lifeboat, liferaft or other emergency survival craft belonging to an offshore installation or is lost therefrom in such circumstances; or
 179 (3) otherwise dies or is lost in such circumstances in the neighbourhood of an offshore installation while engaged in any operation connected with the installation;

and the death or loss is not required to be registered under the Merchant Shipping Act 1995², a return of death in the prescribed form³ must be made by the installation manager and forwarded to the installation owner for signature⁴. The form must then be sent to the Registrar General of Shipping and Seamen⁵. When the Registrar General of Shipping and Seamen receives such a return, he must send a certified copy of it to the appropriate Registrar General⁶. If the Registrar General of Shipping and Seamen is satisfied that there is an error or omission in any return received by him, he may, in accordance with evidence of the true state of affairs relating to the return, send corrected or supplementary particulars in respect of it to the Registrar General⁷.

The Registrar General who receives any such certified copy must record the information contained in it in the register kept by him called the marine register, together with such additional information as appears to him desirable for the purpose of ensuring the completeness and correctness of the register⁸.

1 For the meaning of 'offshore installation' see the Mineral Workings (Offshore Installations) Act 1971 s 12(1) (this definition, and those mentioned in note 4 *infra*, substituted by the Offshore Installations and Pipeline Works

(Management and Administration) Regulations 1995, SI 1995/738, reg 22(1), Sch 1 Pt II paras 3-5); and FUEL AND ENERGY vol 19(3) (2007 Reissue) PARA 1684. These provisions do not apply to installations registered as vessels (whether so registered in the United Kingdom or elsewhere) which are dredging installations or which are in transit to or from a station, or in relation to installations which are unmanned: Offshore Installations (Logbooks and Registration of Death) Regulations 1972, SI 1972/1542, reg 1(3). For the meaning of 'United Kingdom' see PARA 539 note 11 ante.

2 See PARA 578 ante.

3 For the prescribed form see the Offshore Installations (Logbooks and Registration of Death) Regulations 1972, SI 1972/1542, reg 9, Schedule.

4 See *ibid* regs 8, 9; and FUEL AND ENERGY vol 19(3) (2007 Reissue) PARA 1691. For the meaning of 'installation manager' and 'owner' see the Mineral Workings (Offshore Installations) Act 1971 s 12(1) (definitions as substituted: see note 1 *supra*); and FUEL AND ENERGY vol 19(3) (2007 Reissue) PARA 1691.

5 See the Offshore Installations (Logbooks and Registration of Death) Regulations 1972, SI 1972/1542, reg 9(2). As to the Registrar General of Shipping and Seamen see SHIPPING AND MARITIME LAW vol 93 (2008) PARA 61.

6 *Ibid* reg 11(1). Where the deceased was immediately before his death ordinarily resident in Scotland or Northern Ireland, the copy must be sent to the Registrar General of Births, Deaths and Marriages for Scotland or the Registrar General for Northern Ireland, as the case may be; and in any other case, it must be sent to the Registrar General of Births, Deaths and Marriages for England and Wales: reg 11(1)(a), (b). As to the Registrar General see PARAS 605-606 *post*.

7 *Ibid* reg 11(2).

8 *Ibid* reg 11(3).

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582. Births and deaths on civil aircraft.

The owner¹ of an aircraft registered in the United Kingdom² must, as soon as practicable but not later than six months after the occurrence in any part of the world of a birth or death in the aircraft, or of a death outside the United Kingdom of a traveller³ on the aircraft who is killed on the journey⁴ in consequence of an accident, transmit to the Civil Aviation Authority⁵ a return of the birth or death in the prescribed form⁶. If, however, the required particulars are not known to the owner of the aircraft, he must transmit as many of them as he is reasonably able to ascertain having regard to the circumstances of the birth or death⁷. In order to facilitate the rendering of returns, the person in command⁸ of an aircraft registered in the United Kingdom must record the particulars of the birth or death in the journey log book, or other appropriate documents relating to the aircraft, and must make that record available to the owner as soon as practicable⁹.

The Civil Aviation Authority must keep separate records of births, deaths and persons reported to it as missing persons¹⁰. Within seven days of the completion of an entry in any such record, the authority must cause a certified copy of the entry to be transmitted to the appropriate Registrar General¹¹. If the authority is satisfied that there is an error or omission in any entry made in its records of births, deaths, or missing persons it may, in accordance with evidence of the true facts relating to the entry, rectify it in such manner as may appear appropriate to it¹². The authority must cause a certified copy of the corrected entry to be transmitted to the appropriate Registrar General within seven days after the correction is made¹³.

The Registrar General to whom any such certified copies are sent must cause them to be filed and preserved in a book kept by him for the purpose, to be called the Air Register Book of

Births and Deaths¹⁴. Where a certified copy of any corrected entry is sent to him, he must cause the corrected entry to be substituted for the corresponding entry for the time being made in the Air Register Book of Births and Deaths¹⁵.

1 Where any aircraft has been bona fide demised, let, or hired out for a period exceeding 14 days to any other person by the owner of it, and no pilot, commander, navigator, or operative member of the crew of the aircraft is in the employment of the owner, the provisions set out in the text and notes 2-9 infra have effect as though for references to the owner there were substituted references to the person to whom the aircraft has been so demised, let, or hired out: Civil Aviation (Births, Deaths and Missing Persons) Regulations 1948, SI 1948/1411, reg 4(3). For these purposes, 'aircraft' includes all balloons, whether captive or free, gliders, airships and flying machines: reg 2(1).

2 As to registration of aircraft see AIR LAW vol 2 (2008) PARA 367 et seq. For the meaning of 'United Kingdom' see PARA 539 note 11 ante.

3 'Traveller' in relation to an aircraft includes a member of the crew: Civil Aviation (Births, Deaths and Missing Persons) Regulations 1948, SI 1948/1411, reg 2(6).

4 A 'journey' is deemed to commence when a traveller enters an aircraft registered in the United Kingdom for the purpose of the journey and to continue until that traveller alights from the aircraft on completion of the journey, notwithstanding any intermediate stop or break in the journey: *ibid* reg 2(2) (amended by SI 1972/323).

5 As to the Civil Aviation Authority see AIR LAW vol 2 (2008) PARA 50 et seq.

6 Civil Aviation (Births, Deaths and Missing Persons) Regulations 1948, SI 1948/1411, reg 4(1) (reg 4 amended by SI 1972/323). For the prescribed forms see the Civil Aviation (Births, Deaths and Missing Persons) Regulations 1948, SI 1948/1411, reg 4(1), Appendix A (births), Appendix B (deaths) (as so amended).

7 *Ibid* reg 4(1) proviso.

8 'Person in command' of an aircraft means, in a case where a person other than the pilot is in command of the aircraft, that person, and in any other case, the pilot: *ibid* reg 2(5).

9 See *ibid* reg 4(2) (as amended: see note 6 supra). If all the required particulars are not known to the person in command of an aircraft and cannot be readily ascertained by him he must record and make available so many of them as are readily ascertainable: reg 4(2) proviso.

10 *Ibid* reg 5 (amended by SI 1972/323). For the prescribed forms of the records see the Civil Aviation (Births, Deaths and Missing Persons) Regulations 1948, SI 1948/1411, reg 5, Appendix C (births), Appendix D (deaths), Appendix E (missing persons) (as so amended). 'Missing persons' mean persons with respect to whom there are reasonable grounds for believing that they have died in consequence of an accident to an aircraft registered in the United Kingdom: reg 2(4) (as so amended).

11 *Ibid* reg 6 (amended by SI 1972/323). The appropriate Registrar General must be ascertained as follows: (1) where it appears to the authority that an entry in the record of births relates to the birth of a child the father of whom, or, if the parents are not married to each other, the mother of whom, was at the time of the birth usually resident in Scotland or Northern Ireland, a certified copy of the entry must be sent to the Registrar General of Births, Deaths and Marriages in Scotland, or the Registrar General for Northern Ireland, as the case may require; (2) where it appears to the authority that an entry in the record of deaths or missing persons relates to a person who, at the time of his death, or (in the case of a missing person) at the time when he was reported missing, was usually resident in Scotland or Northern Ireland, a certified copy of the entry must be sent to the Registrar General of Births, Deaths and Marriages in Scotland, or the Registrar General for Northern Ireland, as the case may require: Civil Aviation (Births, Deaths and Missing Persons) Regulations 1948, SI 1948/1411, reg 7(a), (b) (as so amended). In every other case, a certified copy of an entry in the record of births, deaths, or missing persons, must be sent to the Registrar General for England and Wales: see reg 7(c). As to the Registrar General see PARAS 605-606 post.

12 *Ibid* reg 9(1) (reg 9 amended by SI 1972/323).

13 See the Civil Aviation (Births, Deaths and Missing Persons) Regulations 1948, SI 1948/1411, reg 9(2) (as amended: see note 12 supra).

14 Civil Aviation Act 1982 s 83(5).

15 Ibid s 83(7). The enactments relating to the registration of births and deaths in England and Wales (see PARA 501 ante) have effect as if the Air Register Book of Births and Deaths were a certified copy or duplicate register transmitted to the Registrar General in accordance with those enactments: s 83(8). See also AIR LAW vol 2 (2008) PARAS 586-587.

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583. Births and deaths on hovercraft.

Very similar provisions to those which apply to the registration of births and deaths occurring on civil aircraft apply to the registration of births and deaths occurring on hovercraft¹. In this case, returns of births and deaths must be made by the operator of a hovercraft to the Secretary of State² and it is the Secretary of State who must, within seven days of the completion of an entry in any record kept in his department, cause a certified copy of the entry to be transmitted to the appropriate Registrar General³. All certified copies, including any certified copies of entries corrected by the Secretary of State⁴, must be kept by the Registrar General in the Hovercraft Register Book of Births and Deaths⁵.

1 See the Hovercraft (Births, Deaths and Missing Persons) Regulations 1972, SI 1972/1513; and SHIPPING AND MARITIME LAW vol 93 (2008) PARA 418 et seq.

2 Ibid reg 3(1).

3 Ibid reg 5. As to the appropriate Registrar General see reg 6; and as to foreign and Commonwealth hovercraft see reg 9.

4 Corrections may be made under ibid reg 8.

5 See the Civil Aviation Act 1982 s 83(5), applied with modifications by the Hovercraft (Application of Enactments) Order 1972, SI 1972/971, art 5, Sch 2 Pt A.

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B. BIRTHS AND DEATHS ON NAVAL SHIPS OR MILITARY AIRCRAFT OR AMONG SERVICE PERSONNEL OVERSEAS

584. Registration of births and deaths on Her Majesty's ships and aircraft.

Her Majesty may by Order in Council provide¹ for the keeping of records:

180 (1) of deaths and births occurring in any part of the world on board ships² belonging to Her Majesty³;

181 (2) of deaths and births so occurring on aircraft belonging to Her Majesty, or any other aircraft not registered in the United Kingdom⁴, but for the time being employed for the purposes of Her Majesty's forces⁵; and

182 (3) of the death outside the United Kingdom of any person who, being a traveller on such an aircraft, is killed on a journey in consequence of an accident⁶.

An order so made may provide for the transmission of certified copies of any such records to the Registrar General for England and Wales⁷.

1 This power includes (1) a power of varying or revoking such an order; (2) power to make provision for specified classes of cases and to make different provision for different classes of cases: Registration of Births, Deaths and Marriages (Special Provisions) Act 1957 s 6(1), (3). As to the power to make transitional or retrospective provision see s 6(2).

2 le including hovercraft: see the Hovercraft (Application of Enactments) Order 1972, SI 1972/971, art 4, Sch 1. For the meaning of 'hovercraft' see SHIPPING AND MARITIME LAW vol 93 (2008) PARA 381.

3 Registration of Births, Deaths and Marriages (Special Provisions) Act 1957 s 2(1)(a); and see the Service Departments Registers Order 1959, SI 1959/406, art 1(c).

4 As to the registration of aircraft see AIR LAW vol 2 (2008) PARA 367 et seq. For the meaning of 'United Kingdom' see PARA 539 note 11 ante.

5 Registration of Births, Deaths and Marriages (Special Provisions) Act 1957 s 2(1)(b); and see the Service Departments Registers Order 1959, SI 1959/406, art 1(d).

6 Registration of Births, Deaths and Marriages (Special Provisions) Act 1957 s 2(1)(c); and see the Service Departments Registers Order 1959, SI 1959/406, art 1(e).

7 Registration of Births, Deaths and Marriages (Special Provisions) Act 1957 s 2(2)(a). See the Service Departments Registers Order 1959, SI 1959/406 (amended by SI 1963/1624; and SI 1988/1295); and PARA 585 et seq post. For transitional provisions relating to registration under previous legislation see the Registration of Births, Deaths and Marriages (Special Provisions) Act 1957 s 2(3). The records are known as 'the service departments registers'. As to the Registrar General see PARAS 605-606 post.

UPDATE

584 Registration of births and deaths on Her Majesty's ships and aircraft

TEXT AND NOTES 1-6--Registration of Births, Deaths and Marriages (Special Provisions) Act 1957 s 2(1)(a), (b) repealed, s 2(1)(c) amended: Armed Forces Act 2006 Sch 16 para 40, Sch 17.

NOTE 7--SI 1959/406 further amended: SI 2002/3122, SI 2005/3186, SI 2007/908, SI 2009/1736.

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585. Registration of births and deaths among service personnel overseas and their families.

Her Majesty may by Order in Council¹ provide for the keeping of records of deaths and births occurring outside the United Kingdom² among, or among the families³ of:

183 (1) members of Her Majesty's naval, military or air forces⁴; or

- 184 (2) persons serving Her Majesty in, or otherwise employed in any capacity connected with, Her Majesty's naval, military or air forces, or persons belonging to or employed by any organisation concerned with the welfare of members of those forces⁵.

An order so made may provide for the transmission of certified copies of any such records to the Registrar General for England and Wales⁶.

1 As to the exercise of this power see PARA 584 note 1 ante.

2 For the meaning of 'United Kingdom' see PARA 539 note 11 ante.

3 For these purposes, references to a person's family include references to any relative, dependant or servant ordinarily living with him: Registration of Births, Deaths and Marriages (Special Provisions) Act 1957 s 1(5).

4 Ibid s 1(1)(a); and see the Service Departments Registers Order 1959, SI 1959/406, art 1(a), Schedule Pt I para 1.

5 Registration of Births, Deaths and Marriages (Special Provisions) Act 1957 s 1(1)(b); and see the Service Departments Registers Order 1959, SI 1959/406, art 1(b), Schedule Pt I para 2, Pt II (paras 1, 2) (art 1(b) amended by, and Schedule Pt II substituted by, SI 1988/1295). The persons falling within head (2) in the text are: (1) persons in the service of the Crown employed with or accompanying any naval, military or air force of Her Majesty outside the United Kingdom; (2) persons in the service of any of the following organisations who are performing their service outside the United Kingdom in connection with any naval, military or air force of Her Majesty: (a) Navy, Army and Air Force Institutes; (b) Services Sound and Vision Corporation; (c) British Red Cross Society; (d) The Venerable Order of the Hospital of St John of Jerusalem; (e) Council of Voluntary Welfare Work including the Young Men's Christian Association, the Young Women's Christian Association, the Catholic Women's League, the Salvation Army, the Church Army, Methodist Church Forces' Clubs, Toc H, the Church of England Soldiers', Sailors' and Airmen's Clubs and the Mission to Military Garrisons; (f) Soldiers', Sailors' and Airmen's Families Association; (g) Soldiers' and Airmen's Scripture Readers' Association; (h) Malcolm Clubs; (i) Women's Royal Voluntary Service; (j) Royal Naval Film Corporation; (k) Royal Naval Lay Readers' Society; (l) British Sailors' Society; (m) Missions to Seamen; and (3) members of the family of a person of the class specified in head (2) supra residing with him at or in the vicinity of the station of the force in connection with which he is performing his service: Service Departments Registers Order 1959, SI 1959/406, Schedule Pt I para 2, Pt II paras 1, 2 (as so substituted). An entry in a record kept under these provisions which relates to, or to the family of, a person of any description specified in head (2) in the text is not to be questioned on the ground that that person did not fall within any more particular description contained in heads (1)-(3) supra: see the Registration of Births, Deaths and Marriages (Special Provisions) Act 1957 s 1(3).

6 Registration of Births, Deaths and Marriages (Special Provisions) Act 1957 s 2(2)(a). See the Service Departments Registers Order 1959, SI 1959/406 (amended by SI 1963/1624; and SI 1988/1295); and PARA 586 et seq post. For transitional provisions relating to registration under previous legislation see the Registration of Births, Deaths and Marriages (Special Provisions) Act 1957 s 2(4); and as to validation of certain entries made in marine register books or other registers under earlier legislation see s 4(1), (2). The records are known as 'the service departments registers'. As to the Registrar General see PARAS 605-606 post. As to records of marriages kept under these provisions see PARA 602 et seq post.

UPDATE

585 Registration of births and deaths among service personnel overseas and their families

TEXT AND NOTES--Registration of Births, Deaths and Marriages (Special Provisions) Act 1957 s 1(1), (3) amended, s 1(6) substituted for s 1(5): Armed Forces Act 2006 Sch 16 para 39.

NOTE 6--SI 1959/406 further amended: SI 2002/3122, SI 2005/3186, SI 2007/908, SI 2009/1736. Registration of Births, Deaths and Marriages (Special Provisions) Act 1957 s 4(1) amended, s 4(1A) added: Armed Forces Act 2006 Sch 16 para 41.

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586. Registering officers and provision of registers.

The following persons (referred to as 'registering officers') may record deaths and births to be entered in the service departments registers¹:

- 185 (1) any person authorised in that behalf by the Defence Council;
- 186 (2) any person holding an office or appointment, the holder for the time being of which has been authorised in that behalf by the Defence Council².

The Registrar General for England and Wales³ must provide registering officers with registers for the purpose of recording deaths and births to which these provisions apply, and must also provide them with forms for making certified copies of entries in such registers⁴.

1 The deaths and births to which the Service Departments Registers Order 1959, SI 1959/406 (as amended) applies: see PARAS 584-585 ante. As to registration of marriages under that order see PARA 602 et seq post.

2 Ibid art 2(1) (amended by SI 1988/1295).

3 As to the Registrar General see PARAS 605-606 post.

4 Service Departments Registers Order 1959, SI 1959/406, art 2(2). For transitional provisions see art 2(3).

UPDATE

586 Registering officers and provision of registers

TEXT AND NOTES 2, 4--SI 1959/406 art 2 further amended: SI 2005/3186.

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587. Qualified informants in relation to births and deaths.

A registering officer¹ must not make an entry in a register² recording any death or birth³ unless information as to the particulars to be registered is given by a qualified informant⁴. Such an entry may be made on information given by a qualified informant in writing, provided that the document containing that information is signed by the qualified informant⁵. Unless the informant is qualified by reason of his being (1) a captain of a ship belonging to Her Majesty on which the death or birth has occurred; or (2) an officer in command of an appropriate record office, in relation to the death of a member of the naval, military or air forces of the Crown on

active service, his signature must be attested by an officer of the naval, military, or air forces of the Crown⁶. Where the information is given orally, an entry in the register is not valid for the statutory purposes unless it is signed by the qualified informant⁷.

The following persons are qualified informants in relation to a death:

- 187 (a) any person present at the death;
- 188 (b) any person who has seen the dead body;
- 189 (c) any person who has caused the dead body to be buried or cremated;
- 190 (d) if the death occurs on a ship belonging to Her Majesty, the captain of the ship;
- 191 (e) if the death occurs on an aircraft belonging to Her Majesty, the person in command of the aircraft;
- 192 (f) if the death is of a traveller on an aircraft belonging to Her Majesty who is killed on the journey in consequence of an accident, the person in command of the aircraft; or
- 193 (g) if the death is of a member of the naval, military or air forces of the Crown on active service, an officer of his ship or unit, or the officer in command of the appropriate record office⁸.

The following persons are qualified informants in relation to a birth:

- 194 (i) either parent, or, if the child's parents are not married to each other, the child's mother;
- 195 (ii) any person present at the birth;
- 196 (iii) the person having charge of the child;
- 197 (iv) if the birth occurs on a ship belonging to Her Majesty, the captain of the ship; or
- 198 (v) if the birth occurs on an aircraft belonging to Her Majesty, the person in command of the aircraft⁹.

The Registrar General for England and Wales may, however, authorise a registering officer to make an entry recording a death or birth notwithstanding that information as to the particulars to be registered¹⁰ has not been given by a qualified informant, if a qualified informant is not readily available and satisfactory evidence of the death or birth is produced to the Registrar General¹¹.

After the expiration of 12 months from the date of a death or birth to which these provisions apply, that death or birth may not be registered without the written authority of the Registrar General for England and Wales and the fact that his authority has been obtained must be entered in the register¹².

1 For the meaning of 'registering officer' see PARA 586 ante.

2 I.e a register to which the Service Departments Registers Order 1959, SI 1959/406 (as amended) applies: see PARA 586 ante.

3 I.e a death or birth to which the Service Departments Registers Order 1959, SI 1959/406 (as amended) applies: see PARAS 584-585 ante.

4 Ibid art 3(1). For the circumstances in which an entry may be made otherwise than on the information of a qualified informant see the text and note 11 infra.

5 Ibid art 3(2).

6 See ibid art 3(2).

- 7 See *ibid* art 3(3).
- 8 *Ibid* art 3(4)(a).
- 9 See *ibid* art 3(4)(b).
- 10 As to the particulars to be registered in relation to births and deaths see generally paras 505, 507 *ante*.
- 11 Service Departments Registers Order 1959, SI 1959/406, art 3(5). As to the manner of making such an entry see art 6(3). As to the Registrar General see PARAS 605-606 *post*.
- 12 *Ibid* art 3(6). As to the manner of making such an entry see art 6(4).

UPDATE

587 Qualified informants in relation to births and deaths

TEXT AND NOTES--SI 1959/406 art 3 further amended: SI 2005/3186, SI 2007/908.

In the case of a child (1) whose father and mother were not married to each other at the time of his birth, the father of the child is not required to give information concerning the birth of the child and the registering officer must not enter the name of any person as father of the child in the register except where certain conditions are satisfied; (2) in respect of whom a woman who is to be treated as his parent by virtue of certain provisions of the Human Fertilisation and Embryo Act 1990, that woman is not required to give information concerning the birth of the child and the registering officer must not enter in the register the name of that woman as a parent of the child except where certain conditions are satisfied: see the Service Departments Registers Order 1959, SI 1959/406, art 3A (added by SI 2007/908, amended by SI 2009/1736).

A registering officer must not enter in a register (1) as the father of a child the name of a man who is to be treated as the father of the child by virtue of certain provisions of the Human Fertilisation and Embryology Act 1990; or (2) as a parent of the child, the name of a woman who is to be treated for that purpose as a parent of the child by virtue of certain provisions of the Human Fertilisation and Embryology Act 1990, unless (a) the mother requires the registering officer to make such entry in the register and produce the relevant documents; or (b) in the case of the death or inability of the mother, the relevant documents are produced by some other person who is a qualified informant in relation to the birth: SI 1959/406 art 3B (added by SI 2007/908, amended by SI 2009/1736).

TEXT AND NOTE 9--Now head (i) subject to a provision, either parent of the child: SI 1959/406 art 3(4)(b) (amended by SI 2007/908).

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588. Form of entries and correction of errors.

A registering officer¹ must sign each entry made by him in a relevant register² and must state in every entry made by him on information given by a qualified informant³ the capacity in which the informant is qualified⁴. If that information is given in writing⁵ he must also state the name of the qualified informant⁶.

An error of fact or substance in any register or other record to which these provisions apply⁷ may be corrected by an entry in the margin (without any alteration of the original entry) by the person having the custody of the register or other record in which the original entry containing the error was made, upon production to him of a statutory declaration setting forth the nature of the error and the true facts of the case made by two credible persons having knowledge of the truth of the case⁸.

If a registering officer making an entry in a register finds that he has made a clerical error in that entry, he must before completing the entry correct the error and initial the alteration⁹. If a registering officer or the Registrar General¹⁰ is satisfied that a clerical error has been made in a completed entry in any register or other record to which these provisions apply which is in his custody, he must correct the error and make a note of the correction in the margin of the entry in the prescribed form¹¹. Each correction of a completed entry must be signed by the registering officer¹².

1 For the meaning of 'registering officer' see PARA 586 ante.

2 I.e. a register provided under the Service Departments Registers Order 1959, SI 1959/406 (as amended): see PARA 586 ante.

3 As to qualified informants see PARAS 587 ante, 603 post.

4 Service Departments Registers Order 1959, SI 1959/406, art 6(1), (2).

5 I.e. in accordance with *ibid* art 3(2): see PARA 587 ante.

6 *Ibid* art 6(2).

7 I.e. a register or other record kept in pursuance of the Registration of Births, Deaths and Marriages (Special Provisions) Act 1957 or previous legislation: see s 3(3).

8 *Ibid* s 3(3); Service Departments Registers Order 1959, SI 1959/406, art 5(1).

9 *Ibid* art 5(2); and see the Registration of Births, Deaths and Marriages (Special Provisions) Act 1957 s 3(3).

10 As to the Registrar General see PARAS 605-606 post.

11 See the Registration of Births, Deaths and Marriages (Special Provisions) Act 1957 s 3(3); and the Service Departments Registers Order 1959, SI 1959/406, art 5(3).

12 *Ibid* art 6(1).

UPDATE

588 Form of entries and correction of errors

TEXT AND NOTES 7, 8--Where, in an entry relating to a birth or death in a register or other record to which the 1957 Act s 3(3) applies, a person is wrongly shown as the father of the person to whose birth or death the entry relates, or a parent of that person (having been so registered on the basis of being such a parent by virtue of the Human Fertilisation and Embryology Act 2008 s 42, 43 or 46(1) or (2)), the declaration may be made by one credible person having knowledge of the truth of the case: s 3A (1), (2) (s 3A added by the Deregulation (Correction of Birth and Death Entries in Registers or Other Records) Order 2002, SI 2002/1419; amended by Human Fertilisation and Embryology Act 2008 Sch 6 para 11). Such a statutory declaration must be accompanied by documentary evidence of a finding that the person shown as the father was not the father or, as the case may be, that the person shown as a parent was not such a parent by virtue of the Human Fertilisation and Embryology Act 2008 s 42, 43 or 46(1) or (2): 1957 Act s 3A(3) (s 3A as so added and amended). If it appears

to the registering officer that the only evidence on which the finding was made was that of the person making the statutory declaration, he may correct the error only if satisfied that another person, who is a credible person having knowledge of the truth of the case, has, whether before or since the making of the declaration, confirmed the material facts stated in the declaration: s 3A (s 3A as so added). 'Finding' means a finding made expressly in judicial proceedings in the United Kingdom or elsewhere: s 3A(6) (s 3A as so added).

NOTE 8--SI 1959/406 art 5(1) amended: SI 2002/3122.

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589. Transmission of entries and registers to the Registrar General.

A registering officer¹ making an entry or correcting an entry in a relevant register² must transmit or cause to be transmitted to the Registrar General for England and Wales³ a certified copy of the entry, or of the entry as corrected⁴. Where an entry is made in such a register on information given in writing by a qualified informant⁵, the registering officer must transmit the document containing that information to the Registrar General with the certified copy of the entry⁶.

Persons who have such registers in their custody must transmit them to the Registrar General when they have been completed or are no longer required⁷.

All such registers and copies of entries in registers or records as have been duly transmitted to the Registrar General in pursuance of these provisions or the corresponding provisions of earlier legislation⁸ are known as 'the service departments registers'⁹.

1 For the meaning of 'registering officer' see PARA 586 ante.

2 I.e. a register provided under the Service Departments Registers Order 1959, SI 1959/406 (as amended): see PARA 586 ante.

3 As to the Registrar General see PARAS 605-606 post.

4 Service Departments Registers Order 1959, SI 1959/406, art 7(1). As to transmitting copies of entries in registers or logbooks provided under earlier legislation see art 7(2), (3).

5 As to qualified informants see PARAS 587 ante, 603 post.

6 Service Departments Registers Order 1959, SI 1959/406, art 7(4). If it appears to the Registrar General for England and Wales that a certified copy of an entry in a register transmitted to him under this provision records the death of a person or the birth of a child of a person ordinarily resident in Scotland or Northern Ireland, he must send a copy of that entry to the Registrar General of Births, Deaths and Marriages in Scotland, or to the Registrar General for Northern Ireland, as may be appropriate: art 7(5).

7 See *ibid* art 8.

8 I.e. in pursuance of the Registration of Births, Deaths and Marriages (Army) Act 1879 s 2 (repealed) or the Births and Deaths Registration Act 1874 s 37 (repealed): Registration of Births, Deaths and Marriages (Special Provisions) Act 1957 s 3(1).

9 *Ibid* s 3(1). The enactments relating to the registration of births and deaths and marriages in England and Wales (see PARA 501 ante), which contain provisions authorising the admission in evidence of, and of extracts

from, certified copies of registers and duplicate registers, have effect as if the service departments registers were certified copies or duplicate registers transmitted to the Registrar General in accordance with those enactments: s 3(2).

UPDATE

589 Transmission of entries and registers to the Registrar General

NOTE 6--SI 1959/406 art 7(5) amended: SI 2005/3186.

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590. Reregistration of births of legitimated persons in the service departments registers.

Where in the case of (1) a person whose birth is recorded in the service departments registers¹; or (2) a person born outside the United Kingdom² whose father at the time of the birth was a member of Her Majesty's naval, military or air forces or was employed in any capacity connected with the armed forces, or by an organisation concerned with the welfare of members of the forces³, evidence is produced to the appropriate Registrar General⁴ which appears to him to be satisfactory that that person was legitimated by the subsequent marriage of his parents⁵, the Registrar General may authorise at any time the reregistration or the registration of that person's birth, and this reregistration or registration must be effected in the manner and at the place provided⁶. Subject to certain exceptions, he may not, however, authorise such reregistration or registration unless information with a view to obtaining it is furnished by both parents⁷.

If the Registrar General authorises such reregistration or registration, his authority must be forwarded to the Defence Council who must, on receipt of the authority, direct a registering officer⁸ to make an entry recording the birth in a relevant register⁹. The entry must be made in such form and must contain such particulars as may be specified in the authority¹⁰. Where the entry is a reregistration, the person having the custody of the register in which the original entry was made must note the reregistration in the margin of the original entry in the prescribed form, inserting the official description of the appropriate Registrar General and the date of the authority¹¹.

1 As to the service departments registers see PARA 586 ante.

2 For the meaning of 'United Kingdom' see PARA 539 note 11 ante.

3 Ie a person of a description falling within the Registration of Births, Deaths and Marriages (Special Provisions) Act 1957 s 1(1)(b): see PARA 585 head (2) ante.

4 'The appropriate Registrar General' means, in relation to a person whose father was at the time of the marriage domiciled in Scotland, the Registrar General of Births, Deaths and Marriages in Scotland, in relation to a person whose father was at the time of the marriage domiciled in Northern Ireland, the Registrar General of Northern Ireland, and in any other case the Registrar General for England and Wales: Registration of Births, Deaths and Marriages (Special Provisions) Act 1957 s 5(2). As to the Registrar General see PARAS 605-606 post.

5 It is immaterial whether the marriage took place before or after the commencement of the Registration of Births, Deaths and Marriages (Special Provisions) Act 1957 (ie 1 April 1959: see s 7(4); and the Registration of

Births, Deaths and Marriages (Special Provisions) Act 1957 (Commencement) Order 1959, SI 1959/405):
Registration of Births, Deaths and Marriages (Special Provisions) Act 1957 s 5(1).

6 Ibid s 5(1).

7 Ibid s 5(1) proviso. The exceptions are where the paternity of the legitimated person has been established by a decree of a court of competent jurisdiction or a declaration of legitimacy of the legitimated person has been made by a court of competent jurisdiction in the United Kingdom: s 5(1) proviso. Section 5(1) proviso also refers to establishing paternity by an affiliation order, but affiliation proceedings have been abolished: see the Family Law Reform Act 1987 s 17. As to declarations of legitimacy see the Family Law Act 1986 s 56 (substituted by the Family Law Reform Act 1987 s 22); and CHILDREN AND YOUNG PERSONS vol 5(3) (2008 Reissue) PARA 122.

8 For the meaning of 'registering officer' see PARA 586 ante.

9 See the Service Departments Registers Order 1959, SI 1959/406, art 4(1), (2) (amended by SI 1988/1295). The registers referred to are those provided under the 1959 Order: see PARA 586 ante.

10 Service Departments Registers Order 1959, SI 1959/406, art 4(3).

11 See *ibid* art 5(4).

UPDATE

590 Reregistration of births of legitimated persons in the service departments registers

TEXT AND NOTES 1-7--Registration of Births, Deaths and Marriages (Special Provisions) Act 1957 s 5(1) amended: Armed Forces Act 2006 Sch 16 para 42. See further Registration of Births, Deaths and Marriages (Special Provisions) Act 1957 s 5(3) (added by Human Fertilisation and Embryology Act 2008 Sch 6 para 12).

NOTE 5--1957 Act s 7(4) repealed: Statute Law (Repeals) Act 2004.

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C. OTHER BIRTHS AND DEATHS ABROAD

591. Power to make regulations and orders relating to registration of births and deaths abroad.

The Secretary of State¹ may by regulations make provision² for:

- 199 (1) the births and deaths of persons of any class or description born or dying in a Commonwealth country³ to be registered there by the High Commissioner for Her Majesty's government in the United Kingdom or by members of his official staff⁴;
- 200 (2) the births and deaths of persons of any class or description born or dying in a foreign country to be registered there by consular officers or other officers in the service of Her Majesty's government in the United Kingdom⁵;
- 201 (3) enabling the births and deaths of British citizens, British Dependent Territories citizens, British Nationals (Overseas), British Overseas citizens, British subjects and British protected persons⁶ born or dying in any country in which Her Majesty's government in the United Kingdom has for the time being no diplomatic

or consular representation to be registered either by persons serving in the diplomatic, consular or other foreign service of any country which, by arrangement with Her Majesty's government in the United Kingdom, has undertaken to represent that government's interest in that country; or by a person authorised in that behalf by the Secretary of State⁷.

With the consent of the Treasury, the Secretary of State may also make provision by regulations for the imposition, recovery and application of fees⁸ in connection, inter alia, with:

- 202 (a) the effecting in the United Kingdom of any registration authorised by or under the British Nationality Act 1981⁹;
- 203 (b) the grant there of any certificate¹⁰;
- 204 (c) the supplying there of a certified or other copy of any notice, certificate, order, declaration or entry given, granted or made under or by virtue of that Act¹¹; and
- 205 (c) the carrying out of searches in or of any registers or other records, being registers or records held in the United Kingdom by or on behalf of the Secretary of State, which are or may be relevant for the purpose of determining the status of any person under that Act¹².

Her Majesty may by Order in Council provide¹³ for the Births and Deaths Registration Act 1953, the Registration Service Act 1953 and any Northern Ireland legislation in force which relates to the registration of births and deaths to apply, with such adaptations and modifications as appear necessary, to births and deaths registered:

- 206 (i) in accordance with regulations made in pursuance of heads (1) to (3) above or corresponding earlier legislation¹⁴;
- 207 (ii) at a consulate of Her Majesty in accordance with regulations made under the legislation relating to the status of aliens¹⁵ or in accordance with instructions of the Secretary of State; or
- 208 (iii) by a High Commissioner for Her Majesty's government in the United Kingdom or members of his official staff in accordance with instructions of the Secretary of State¹⁶.

1 As to the office of Secretary of State see CONSTITUTIONAL LAW AND HUMAN RIGHTS vol 8(2) (Reissue) PARA 355.

2 Regulations so made may make different provision for different circumstances: British Nationality Act 1981 s 41(3)(a). The power to make such regulations is exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament: s 41(6), (7).

3 I.e. a country mentioned in *ibid* s 41(1)(g), Sch 3 (as amended) (countries whose citizens are Commonwealth citizens): see BRITISH NATIONALITY, IMMIGRATION AND ASYLUM vol 4(2) (2002 Reissue) PARA 11; COMMONWEALTH vol 13 (2009) PARA 701.

4 See *ibid* s 41(1)(g). In exercise of the power so conferred, and conferred by heads (2)-(3) in the text, the Secretary of State for Foreign and Commonwealth Affairs has made the Registration of Overseas Births and Deaths Regulations 1982, SI 1982/1123 (amended by SI 1982/1647; SI 1985/1574; and SI 1997/1466), which came into force on 1 January 1983: reg 1. See PARA 592 et seq post. For the meaning of 'United Kingdom' see PARA 539 note 11 ante.

5 British Nationality Act 1981 s 41(1)(h); and see note 4 supra.

6 As to the various categories of citizenship see BRITISH NATIONALITY, IMMIGRATION AND ASYLUM vol 4(2) (2002 Reissue) PARA 23 et seq.

7 British Nationality Act 1981 s 41(1)(i) (amended by the Hong Kong (British Nationality) Order 1986, SI 1986/948, art 4); and see note 4 supra.

8 The regulations may provide for any fees imposed by them to be payable at such times as may be prescribed: British Nationality Act 1981 s 41(3)(b). See also s 41(3)(a); and note 2 *supra*.

9 Ie other than registration as a British National (Overseas): see *ibid* s 41(2)(b) (amended by the Hong Kong (British Nationality) Order 1986, SI 1986/948, art 4).

10 See the British Nationality Act 1981 s 41(2)(c).

11 See *ibid* s 41(2)(d).

12 See *ibid* s 41(2)(e).

13 Such an order may also exclude, in relation to births and deaths registered as described in heads (i)-(iii) in the text, any of the provisions of *ibid* s 45 (evidence): s 41(4). Any such order is subject to annulment in pursuance of a resolution of either House of Parliament: s 41(7).

14 See *ibid* s 41(4)(a).

15 Ie under the British Nationality and Status of Aliens Acts 1914 to 1943 (largely repealed); as to the remaining provisions of what is now the Status of Aliens Act 1914 see BRITISH NATIONALITY, IMMIGRATION AND ASYLUM vol 4(2) (2002 Reissue) PARA 13.

16 British Nationality Act 1981 s 41(4), (5). See the Registration (Entries of Overseas Births and Deaths) Order 1982, SI 1982/1526, which came into operation on 1 January 1983: art 1(1). The provisions of the Births and Deaths Registration Act 1953 s 30(1), 30(2) (as amended) (see PARA 522 *ante*); s 33(1) (as amended), 33(2), 34(5) and 34(6) apply to certified copies and further certified copies of entries of births required to be sent to the Registrar General by virtue of the Registration of Overseas Births and Deaths Regulations 1982, SI 1982/1123 (as amended) and certain instructions issued to consular officers, with specified modifications; the provisions of the Births and Deaths Registration Act 1953 s 30(1), (2) (as amended), s 34(5), (6) apply to certified copies and further certified copies of entries of deaths so required to be sent to him, with a specified modification; and the provisions of ss 34(5), (6), 37 (as amended) apply to certified copies of entries of births and deaths so required to be issued or provided other than to or by the Registrar General: see the Registration (Entries of Overseas Births and Deaths) Order 1982, SI 1982/1526, art 2, Schs 1, 2.

UPDATE

591 Power to make regulations and orders relating to registration of births and deaths abroad

TEXT AND NOTES 1-7--See also 1981 Act s 41(1)(j) (added by Immigration, Asylum and Nationality Act 2006 s 50(4)).

NOTE 4--SI 1982/1123 further amended: SI 2009/1892.

TEXT AND NOTE 6--For 'British Dependent Territories citizen' read 'British overseas territories citizen': see the British Overseas Territories Act 2002 s 2(3).

NOTE 8--1981 Act s 41(3)(b) repealed: 2006 Act Sch 2 para 1(b)(ii), Sch 3.

TEXT AND NOTES 9-12--1981 Act s 41(2) repealed: 2006 Act Sch 2 para 1(a), Sch 3.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/2. EFFECTING REGISTRATION/(5) REGISTRATION OF EVENTS AT SEA AND ABROAD/(i) Registration of Births and Deaths/C. OTHER BIRTHS AND DEATHS ABROAD/592. Registers and registration officers.

592. Registers and registration officers.

In each country in which the Secretary of State¹ has so authorised, there must be maintained registers of births and deaths in which may be recorded the birth or death within the country of

a person in respect of whom a registration officer² has received an application together with the prescribed fee³ and is satisfied that the birth or death should be properly entered therein⁴. The registers may be kept in such consulates, embassies, High Commissions or other places, whether inside or outside the country concerned, as the Secretary of State may from time to time determine⁵.

There may be kept at the Foreign and Commonwealth Office a register of births and a register of deaths in which may be registered births and deaths in any country in which Her Majesty has for the time being no diplomatic or consular representative or in which for any other reason the Secretary of State may consider it impracticable to register births and deaths⁶.

The Secretary of State may from time to time give such instructions as to the functions or duties of registration officers as he considers necessary⁷.

1 As to the office of Secretary of State see CONSTITUTIONAL LAW AND HUMAN RIGHTS vol 8(2) (Reissue) PARA 355.

2 'Registration officer' means (1) any consular officer or other officer in the service of Her Majesty's government in the United Kingdom entrusted with the registration of births and deaths in a foreign country; or (2) in any country mentioned in the British Nationality Act 1981 s 41(1)(g), Sch 3 (as amended) (countries whose citizens are Commonwealth citizens: see BRITISH NATIONALITY, IMMIGRATION AND ASYLUM vol 4(2) (2002 Reissue) PARA 11; COMMONWEALTH vol 13 (2009) PARA 701), the High Commissioner for Her Majesty's government in the United Kingdom or members of his official staff; or (3) in or for any country in which Her Majesty's government has for the time being no diplomatic or consular representative: (a) any person serving in the diplomatic, consular or other foreign service of any country which, by arrangement with Her Majesty's government in the United Kingdom, has undertaken to represent that government's interests in that country; or (b) any person authorised by the Secretary of State to be in charge of any registers of births or deaths kept at the Foreign and Commonwealth Office; or (c) any other person authorised by the Secretary of State to register births and deaths occurring in a country overseas in any register kept for that country: Registration of Overseas Births and Deaths Regulations 1982, SI 1982/1123, reg 2(1) (definition amended by SI 1985/1574). 'Consular officer' means any person authorised by the Secretary of State to exercise consular functions: Registration of Overseas Births and Deaths Regulations 1982, SI 1982/1123, reg 2(1). For the meaning of 'United Kingdom' see PARA 539 note 11 ante.

3 The fees to be charged for services performed in accordance with these provisions must be such fees as may from time to time be prescribed under the Consular Fees Act 1980: Registration of Overseas Births and Deaths Regulations 1982, SI 1982/1123, reg 3. For the prescribed fee for registering a birth or death see the Consular Fees Order 1998, SI 1998/257, art 3, Schedule, fee 29. At the date at which this volume states the law, that fee was £55.

4 Registration of Overseas Births and Deaths Regulations 1982, SI 1982/1123, reg 4(1). As to births and deaths which may be registered see PARAS 593-594 post. As to the statutory powers under which the Registration of Overseas Births and Deaths Regulations 1982, SI 1982/1123 (as amended), are made see PARA 591 ante.

5 Ibid reg 4(2).

6 Ibid reg 4(3) (amended by SI 1985/1574).

7 Registration of Overseas Births and Deaths Regulations 1982, SI 1982/1123, reg 17.

UPDATE

592 Registers and registration officers

NOTE 3--See now Consular Fees Order 2007, SI 2007/469, art 3, Schedule, fee 27, which prescribes the fee of £92.

ABROAD/(i) Registration of Births and Deaths/C. OTHER BIRTHS AND DEATHS ABROAD/593.
Registration of births.

593. Registration of births.

The following births, having occurred outside the United Kingdom¹, or outside any British Dependent Territory² may, when reported in writing by an informant having knowledge of the event to the registration officer³ for the time being in charge of the appropriate register⁴, be registered in the prescribed manner⁵:

- 209 (1) the birth of a person, born after 1 January 1983⁶, who was at birth a British citizen⁷;
- 210 (2) the birth of a person, born before that date, who acquired at birth citizenship of the United Kingdom and Colonies⁸ and who became a British citizen at that date;
- 211 (3) the birth of a person, born after that date, who was at birth a British Dependent Territories citizen⁹;
- 212 (4) the birth of a person, born before that date, who acquired at birth citizenship of the United Kingdom and Colonies and who became a British Dependent Territories citizen at that date;
- 213 (5) the birth of a child, born in a foreign country during the 12 months immediately preceding that date, whose father was at the time of the child's birth a citizen of the United Kingdom and Colonies by descent only, providing that registration was effected before the child attained his first birthday;
- 214 (6) the birth of a person, born before that date, who acquired at birth citizenship of the United Kingdom and Colonies and who became a British Overseas citizen¹⁰ at that date; and
- 215 (7) the birth of a person, born on or after 1 July 1997, who was at birth a British Overseas citizen¹¹.

A registration officer must not register a birth unless satisfied as to the facts by the production of a locally issued certificate of birth and such evidence as may be necessary to establish the citizenship of the person whose birth is to be registered¹². A birth occurring aboard a registered ship¹³ or aircraft is deemed to have occurred in the place in which the ship or aircraft was registered, or if aboard an unregistered ship or aircraft of the government of any country, in that country¹⁴.

Entries in registers of birth must be made and numbered consecutively and each entry must constitute a record of one birth¹⁵. Each entry in the register must contain the following:

- 216 (a) concerning the child: the date¹⁶ and place of birth, with time of birth in the case of twins or multiple births, the full names and surname and the sex of the child and the child's claim to British citizenship or British Dependent Territories citizenship or British Overseas citizenship¹⁷;
- 217 (b) concerning the father: his full names and surname, date and place of birth, occupation at time of the child's birth and claim to citizenship¹⁸;
- 218 (c) concerning the mother: her full names and surname, maiden surname and surname at marriage if different from maiden surname, date and place of birth, occupation at the time of the child's birth and claim to citizenship¹⁹;
- 219 (d) concerning the informant: his full names and surname, his relationship to the child or other qualifications and his postal address²⁰; and
- 220 (e) concerning registration: the date of registration and the signature of the registration officer²¹.

On receiving from an informant an application and the prescribed fee for the registration of a birth²² and on seeing evidence to show that the birth properly falls to be registered under these provisions, the registration officer for the time being in charge of the appropriate register must record, as precisely as possible, the required particulars²³.

1 For the meaning of 'United Kingdom' see PARA 539 note 11 ante.

2 Ie any territory listed in the British Nationality Act 1981 s 50(1), Sch 6 (as amended): see BRITISH NATIONALITY, IMMIGRATION AND ASYLUM vol 4(2) (2002 Reissue) PARA 44.

3 For the meaning of 'registration officer' see PARA 592 note 2 ante.

4 As to the registers see PARA 592 ante.

5 Registration of Overseas Births and Deaths Regulations 1982, SI 1982/1123, reg 5(1). As to the manner of registration see the text and notes 22-23 infra.

6 Ie the commencement date of the British Nationality Act 1981: see s 53(2); and the British Nationality Act 1981 (Commencement) Order 1982, SI 1982/933.

7 Ie under the provisions of the British Nationality Act 1981 s 2: see BRITISH NATIONALITY, IMMIGRATION AND ASYLUM vol 4(2) (2002 Reissue) PARA 40.

8 See BRITISH NATIONALITY, IMMIGRATION AND ASYLUM vol 4(2) (2002 Reissue) PARAS 17-19.

9 Ie under the provisions of the British Nationality Act 1981 s 16: see BRITISH NATIONALITY, IMMIGRATION AND ASYLUM vol 4(2) (2002 Reissue) PARAS 47, 55.

10 See BRITISH NATIONALITY, IMMIGRATION AND ASYLUM vol 4(2) (2002 Reissue) PARAS 58-62.

11 Registration of Overseas Births and Deaths Regulations 1982, SI 1982/1123, reg 5(1)(a)-(g) (amended by SI 1982/1647; and SI 1997/1466). 'British Overseas citizen' means a person who was such a citizen under the provisions of the Hong Kong (British Nationality) Order 1986, SI 1986/948, art 6(2): Registration of Overseas Births and Deaths Regulations 1982, SI 1982/1123, reg 5(1)(g) (added by SI 1997/1466).

12 Registration of Overseas Births and Deaths Regulations 1982, SI 1982/1123, reg 5(2).

13 'Ship' includes a hovercraft within the meaning of the Hovercraft Act 1968 (see SHIPPING AND MARITIME LAW vol 93 (2008) PARA 381): Registration of Overseas Births and Deaths Regulations 1982, SI 1982/1123, reg 2(1).

14 Ibid reg 6. This is without prejudice to the provisions of the British Nationality Act 1981 s 50(7), whereby a person born outside the United Kingdom aboard a ship or aircraft (1) is deemed to have been born in the United Kingdom (or in a dependent territory) if at the time of his birth his father or mother was a British citizen (or a British Dependent Territories citizen), or he would otherwise have been born stateless and, in either case, at the time of the birth the ship or aircraft was registered in the United Kingdom (or in that dependent territory) or was an unregistered ship or aircraft of the United Kingdom government (or of the government of that dependent territory); but (2) is regarded, subject to head (1) supra, as born outside the United Kingdom (or outside that dependent territory), whoever was the owner of the ship or aircraft at the time, and irrespective of whether or where it was then registered (see s 50(7)(a), (b)): Registration of Overseas Births and Deaths Regulations 1982, SI 1982/1123, reg 6. As to the registration of aircraft see AIR LAW vol 2 (2008) PARA 367 et seq; and as to the registration of ships see SHIPPING AND MARITIME LAW vol 93 (2008) PARA 245 et seq.

15 Ibid reg 7(1).

16 Where doubt exists as to the date of an event, the approximate date may be entered preceded by the word 'about': ibid reg 7(4).

17 Ibid reg 7(2) items 1-4 (amended by SI 1982/1647).

18 Registration of Overseas Births and Deaths Regulations 1982, SI 1982/1123, reg 7(2) items 5-8. Where an entry in the register records the birth of a child of a father or mother born in Scotland or Northern Ireland the registration officer must mark the entry with the letter 'S' or 'NI' as appropriate, in the margin of the register; and the Registrar General for England and Wales in London must transmit a certified copy of such an entry to the Registrar General in Edinburgh or the Registrar General in Belfast as the case may be: reg 7(3). As to the Registrar General see PARAS 605-606 post.

19 Ibid reg 7(2) items 9-14.

20 Ibid reg 7(2) items 15-17.

21 Ibid reg 7(2) items 18, 19.

22 As to the prescribed fee see PARA 592 note 3 ante.

23 Registration of Overseas Births and Deaths Regulations 1982, SI 1982/1123, reg 11. As to the procedure in doubtful cases see PARA 597 post.

UPDATE

593 Registration of births

TEXT AND NOTES--For 'dependent territory' read 'British overseas territory' and for 'British Dependent Territories citizen' read 'British overseas territories citizen': see the British Overseas Territories Act 2002 ss 1(2), 2(3).

TEXT AND NOTES 17-21--SI 1982/1123 reg 7(2) further amended: SI 2009/1892.

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594. Reregistration of births of legitimated persons.

The registration officer¹ may at any time on the authority of the Secretary of State² reregister the birth of a child whose parents were not married to each other at the time of the birth and whose birth has previously been registered³ if he is satisfied by the evidence produced that the person has been legitimated by the subsequent marriage of his parents and the necessary fees⁴ have been produced⁵. The registration officer must then cancel the original entry⁶.

1 For the meaning of 'registration officer' see PARA 592 note 2 ante.

2 As to the office of Secretary of State see CONSTITUTIONAL LAW AND HUMAN RIGHTS vol 8(2) (Reissue) PARA 355.

3 Ie under the Registration of Overseas Births and Deaths Regulations 1982, SI 1982/1123, reg 5(1)(a), (b), (c) or (d): see PARA 593 heads (1)-(4) ante.

4 For the prescribed fee see the Consular Fees Order 1998, SI 1998/257, art 3, Schedule, fee 30. At the date at which this volume states the law, the fee was £20.

5 See the Registration of Overseas Births and Deaths Regulations 1982, SI 1982/1123, reg 5(3).

6 Ibid reg 5(3).

UPDATE

594 Reregistration of births of legitimated persons

NOTE 4--See now Consular Fees Order 2009, SI 2009/700, art 3, Sch 1, fee 36, which prescribes the fee of £36.

TEXT AND NOTES 5, 6--SI 1982/1123 reg 5(3) amended: SI 2009/1892.

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595. Adoptions.

A registration officer¹ must, upon receipt of information from the Registrar General for England and Wales in London² as to the making, quashing or revoking of an adoption order made in the United Kingdom³ in respect of a person whose birth overseas has been recorded in a register of births, make such marginal additions as may be specified by the Registrar General to the entry relating to that person⁴. The additions must be recorded in the manner and form directed in instructions issued⁵ by the Secretary of State⁶. Having complied with these provisions, a registration officer must forthwith transmit to the Registrar General, a copy, duly certified and sealed, of the entry showing the additions⁷.

1 For the meaning of 'registration officer' see PARA 592 note 2 ante.

2 As to the Registrar General see PARAS 605-606 post.

3 For the meaning of 'United Kingdom' see PARA 539 note 11 ante.

4 Registration of Overseas Births and Deaths Regulations 1982, SI 1982/1123, reg 15(1).

5 *Ie* under *ibid* reg 17: see PARA 592 ante.

6 *Ibid* reg 15(1). As to the office of Secretary of State see CONSTITUTIONAL LAW AND HUMAN RIGHTS vol 8(2) (Reissue) PARA 355.

7 *Ibid* reg 15(2).

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596. Registration of deaths.

The following deaths, having occurred outside the United Kingdom¹ or outside any British Dependent Territory², may, when reported in writing by an informant having knowledge of the event and of the identity of the deceased to the registration officer³ for the time being in official charge of the appropriate register⁴, be registered in the prescribed manner⁵:

- 221 (1) the death of any person who, at the time of his death, was a British citizen, British National (Overseas), British Dependent Territories citizen or British Overseas citizen⁶;
- 222 (2) the death, before 1 January 1983⁷, of any person who but for his death would have become a British citizen, British Dependent Territories citizen or British Overseas citizen at that date⁸.

A registration officer must not register a death unless satisfied as to the facts of the case by the production of a locally issued certificate of death⁹. Details of the evidence submitted must be recorded in the entry by the registration officer¹⁰. In a country where certificates of death are not issued by local authorities, the registration officer may require that there be produced to him a medical practitioner's certificate of death or such other documentary evidence as may be sufficient to satisfy the officer as to the occurrence of the death and the identity of the deceased person; and details of the evidence of death produced must be shown in the entry in the register¹¹.

A death occurring on a registered ship¹², aircraft or oil rig is deemed to have occurred in the place in which the ship, aircraft or oil rig was registered, or if on an unregistered ship, aircraft or oil rig of the government of any country, in that country¹³. A person found dead in the territorial waters¹⁴ of another country is deemed to have died in its territorial waters if it is not established that he died elsewhere¹⁵. Where a death occurs outside territorial waters, that death may be entered in the register of deaths kept by the registration officer in the country or district where a local certificate of death has been issued in respect of that death¹⁶. Where evidence of death is shown only by a certified copy of an extract from the official log of the ship or aircraft on or from which the death occurred, or by a certified copy of an extract from the official log of an oil rig, the death may be entered in the Register of Deaths kept at the Foreign and Commonwealth Office¹⁷.

Entries in registers of death must be made and numbered consecutively and each entry must constitute a record of one death¹⁸. Each entry in the register must contain the following:

- 223 (a) concerning the deceased: the date¹⁹ and place of death, his name and surname and sex, the maiden surname of a woman who has married, the deceased's date and place of birth, occupation, address of usual residence and claim to citizenship, and the evidence of death seen by the registration officer²⁰;
- 224 (b) concerning the informant: his name and surname, his relationship to the deceased or other qualification and his postal address²¹; and
- 225 (c) concerning the registration: the date of registration and the signature of the registration officer²².

On receiving from an informant an application and the prescribed fee²³ for the registration of a death and on seeing evidence to show that the death properly falls to be registered under these provisions, the registration officer for the time being in charge of the appropriate register must record, as precisely as possible, the required particulars²⁴.

1 For the meaning of 'United Kingdom' see PARA 539 note 11 ante.

2 I.e. any territory listed in the British Nationality Act 1981 s 50(1), Sch 6 (as amended): see BRITISH NATIONALITY, IMMIGRATION AND ASYLUM vol 4(2) (2002 Reissue) PARA 44.

3 For the meaning of 'registration officer' see PARA 592 note 2 ante.

4 As to the registers see PARA 592 ante.

5 Registration of Overseas Births and Deaths Regulations 1982, SI 1982/1123, reg 8(1). As to the manner of registration see the text and notes 23-24 infra.

6 As to the various categories of citizenship see BRITISH NATIONALITY, IMMIGRATION AND ASYLUM vol 4(2) (2002 Reissue) PARA 23 et seq.

7 I.e. the commencement date of the British Nationality Act 1981: see s 53(2); and the British Nationality Act 1981 (Commencement) Order 1982, SI 1982/933.

8 Registration of Overseas Births and Deaths Regulations 1982, SI 1982/1123, reg 8(1)(a), (b) (amended by SI 1997/1466).

9 Registration of Overseas Births and Deaths Regulations 1982, SI 1982/1123, reg 8(2). This is subject to reg 9 (see the text and notes 12-17 *infra*): reg 8(2). As to the procedure in doubtful cases see PARA 597 *post*.

10 *Ibid* reg 8(2).

11 *Ibid* reg 8(3).

12 'Ship' includes hovercraft: see PARA 593 note 13 *ante*.

13 Registration of Overseas Births and Deaths Regulations 1982, SI 1982/1123, reg 9(1). As to the registration of aircraft see AIR LAW vol 2 (2008) PARA 367 *et seq*; and as to the registration of ships see SHIPPING AND MARITIME LAW vol 93 (2008) PARA 245 *et seq*.

14 For the meaning of 'territorial waters' see WATER AND WATERWAYS vol 100 (2009) PARA 31.

15 Registration of Overseas Births and Deaths Regulations 1982, SI 1982/1123, reg 9(2).

16 *Ibid* reg 9(3).

17 *Ibid* reg 9(4).

18 *Ibid* reg 10(1).

19 Where doubt exists as to the date of an event, the approximate date may be entered preceded by the word 'about': *ibid* reg 10(4).

20 *Ibid* reg 10(2) items 1-9. Where an entry in the register records the death of a person born in Scotland or Northern Ireland, or who is a British citizen by descent from a father or mother so born, a registration officer must mark the entry with the letter 'S' or 'NI' as appropriate, in the margin of the register; and the Registrar General for England and Wales in London must transmit a certified copy of such an entry to the Registrar General in Edinburgh or the Registrar General in Belfast as the case may be: reg 10(3). As to the Registrar General see PARAS 605-606 *post*.

21 *Ibid* reg 10(2) items 10-12.

22 *Ibid* reg 10(2) items 13, 14.

23 As to the prescribed fee see PARA 592 note 3 *ante*.

24 Registration of Overseas Births and Deaths Regulations 1982, SI 1982/1123, reg 11.

UPDATE

596 Registration of deaths

TEXT AND NOTES 1-6--For 'dependent territory' read 'British overseas territory' and for 'British Dependent Territories citizen' read 'British overseas territories citizen': see the British Overseas Territories Act 2002 ss 1(2), 2(3).

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597. Procedure in doubtful cases.

If the documentary evidence furnished to the registration officer¹ does not satisfy him of the accuracy of the statements made to him, or if the officer is not fully satisfied that the national status of the person whose birth or death he is requested to register is such that the

registration could properly be effected², the officer should refer the matter, with a full report of the circumstances, to the Secretary of State³. Where the Secretary of State is satisfied that the birth or death is one which should be registered⁴ or that an amendment or correction of an entry is one that should be made⁵ and that the relevant regulations cannot reasonably be complied with, he may authorise the registration, reregistration, amendment or correction subject to such conditions as he considers appropriate⁶ and he may, in particular⁷, impose the requirement of a statutory declaration⁸.

1 For the meaning of 'registration officer' see PARA 592 note 2 ante.

2 Ie under the Registration of Overseas Births and Deaths Regulations 1982, SI 1982/1123 (as amended): see PARA 592 et seq ante.

3 Ibid reg 13. As to the office of Secretary of State see CONSTITUTIONAL LAW AND HUMAN RIGHTS vol 8(2) (Reissue) PARA 355.

4 As to the registers see PARA 592 ante.

5 As to corrections of entries see PARA 598 post.

6 Registration of Overseas Births and Deaths Regulations 1982, SI 1982/1123, reg 14(1).

7 Ie without prejudice to the generality of ibid reg 14(1): reg 14(2).

8 Ibid reg 14(2).

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598. Correction of errors or omissions.

An entry in a register¹ is deemed to have been completed by the signature of a registration officer². If a registration officer discovers any error or omission before completing an entry in a register he must either:

- 226 (1) correct it by ruling through the incorrect particulars and inserting above them the correct particulars, or by inserting the particulars omitted, and by adding his initials in the margin; or
- 227 (2) draw a line diagonally through the uncompleted entry, write against it in the margin the prescribed words³ and make the correct entry in the next unused number in the register⁴.

If any omission, discrepancy between facts recorded, or other error is discovered in an entry which has been completed by the registration officer, the same or any other registration officer may, provided he is satisfied as to the correctness of any amendment proposed to be made, correct the entry in accordance with the prescribed directions⁵. Before correcting an entry, the registration officer must, unless the correction is made in the presence of the original informant, take such action as may be reasonable to ensure that notice in writing of the precise correction to be made is given to the original informant or, in the case of a registration of birth, to the person whose birth entry is being corrected or, if that person is a minor, his parent or guardian or, in the case of a registration of death, to the relatives or personal representatives of the deceased⁶.

Where, after completion of an entry in the register of births, the person to whom the entry relates is given one or more Christian or forenames in baptism or otherwise, which differ from the Christian or forenames (if any) recorded therein, the name or names so given may, subject to the production of satisfactory evidence that the child has been known by the new or additional name or names since its earliest years, be recorded in the register without alteration of the previous name or names⁷.

Where an entry relates to a birth or death which should not have been registered, a registration officer may cancel the entry by drawing a diagonal line through the entry and showing in the margin the reason for the cancellation followed by his signature and the date⁸.

A fee is payable where an addition to or correction in the register is made at the request of the parties concerned⁹.

1 As to the registers see PARA 592 ante.

2 Registration of Overseas Births and Deaths Regulations 1982, SI 1982/1123, reg 12(1). For the meaning of 'registration officer' see PARA 592 note 2 ante.

3 The prescribed words are: 'For correct entry see No. ...': *ibid* reg 12(2)(b).

4 *Ibid* reg 12(2)(a), (b).

5 *Ibid* reg 12(3). If the error appears to him to be accidental or of a clerical nature the officer may correct it by ruling through any incorrect particulars and by inserting and underlining the correct particulars or the particulars omitted; and he must then insert in the margin of the entry a note to the following effect: 'Entry (No) ... Space (No) ... corrected on ... (date) by me ... (signature) Registration Officer': reg 12(3)(a). If the officer is not satisfied that the error is one which he might treat as falling within reg 12(3)(a) he must require the original informant or some other person cognisant of the facts to furnish such documentary or other evidence as may be necessary to establish the facts: reg 12(3)(b). Any corrections which the officer thinks it proper to make must be made by underlining (but not altering) any erroneous particulars and inserting in the margin of the entry a note to the following effect: 'In entry No ... Space No ... for '(the erroneous particulars)' read '(corrected particulars)' or 'insert the words' '...' or as the case may require, followed by the date, his signature and official description: reg 12(3)(b). If a registration officer considers that the corrections to an entry relating to a birth are too numerous or are likely to cause difficulty in later years, he may reregister the birth and draw a diagonal line through the original entry adding to the margin 'Reregistered at No ... on ... (date)' followed by his signature: reg 12(3)(c).

6 *Ibid* reg 12(4).

7 *Ibid* reg 12(5) (substituted by SI 1985/1574).

8 Registration of Overseas Births and Deaths Regulations 1982, SI 1982/1123, reg 12(6).

9 See *ibid* reg 3; and the Consular Fees Order 1998, SI 1998/257, art 3, Schedule, fee 30. At the date at which this volume states the law, the prescribed fee was £20.

UPDATE

598 Correction of errors or omissions

NOTE 9--See now Consular Fees Order 2009, SI 2009/700, art 3, Sch 1, fee 36, which prescribes the fee of £36.

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599. Certified copies.

A certified copy of an entry in a register¹, other than an entry which has been invalidated, must be provided upon request and on payment of the prescribed fee². Every certified copy must be a copy of the whole entry and must show any deletion, insertion, underlining or marginal inscription³. The copy may be certified by any registration officer⁴, under his hand, official description and official seal, to be a true copy of the entry⁵.

The registration officer for the time being in charge of any register of births or deaths must, before the first day of February each year, send certified copies of all entries made therein during the previous year to the Registrar General for England and Wales in London⁶. If no entry has been made during the previous year the registration officer must submit to the Registrar General a certificate to that effect⁷.

Where an entry is cancelled, amended or annotated in any way after a certified copy of it has been sent to the Registrar General, the registration officer must immediately send to the Registrar General a further certified copy of that entry⁸.

1 As to the registers see PARA 592 ante.

2 Registration of Overseas Births and Deaths Regulations 1982, SI 1982/1123, reg 16(1). For the prescribed fee for furnishing a certified copy of an entry in the consular register see the Consular Fees Order 1998, SI 1998/257, art 3, Schedule, fee 31. At the date at which this volume states the law, the fee was £35. There are additional fees for making searches in the registers where the number or date of entry is not provided, or for making searches in any other records or archives of Her Majesty's government in the United Kingdom: see Schedule, fee 32. There is a separate fee for having a search made for, or obtaining copies of, or both, entries in local registers or records not kept by a consular officer, and costs over £5 are also payable: see Schedule, fee 33.

3 Registration of Overseas Births and Deaths Regulations 1982, SI 1982/1123, reg 16(2). As to corrections see PARA 598 ante.

4 For the meaning of 'registration officer' see PARA 592 note 2 ante.

5 Registration of Overseas Births and Deaths Regulations 1982, SI 1982/1123, reg 16(2).

6 Ibid reg 16(3). As to the Registrar General see PARAS 605-606 post. See also PARA 591 note 16 ante.

7 Ibid reg 16(4).

8 Ibid reg 16(5).

UPDATE

599 Certified copies

NOTE 2--SI 1998/257 replaced. The prescribed fee for issuing a certified copy of an entry in the consular register is now £63: Consular Fees Order 2009, SI 2009/700, art 3, Sch 1, fee 37. The additional fees are (1) for making a search in the consular registers of births, deaths, marriages or civil partnerships where the number or date of entry is not provided is £63 (Sch 1, fee 38(a)); (2) for making a search in the records of the Identity and Passport Service where the request originates in the United Kingdom is £15 (Sch 1, fee 38(b)); (3) for making a search in any other records or archives of Her Majesty's Government in the United Kingdom is £109 (Sch 1, fee 38(c)); (4) for making a search in naturalisation or registration records kept by a consular officer is £76 (Sch 1, fee 38(d)); and (5) for having a search made for, or obtaining copies of, or both, entries in local registers or records not kept by a consular officer is £128, and costs over £5 are also payable (Sch 1, fee 39).

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(ii) Registration of Marriages

A. MARRIAGES REGISTRABLE UNDER THE FOREIGN MARRIAGE ACT 1892

600. Registration of marriages solemnised by or before marriage officers.

Where a marriage between parties of whom at least one is a United Kingdom national¹ is solemnised in any foreign country or place by or before a marriage officer² in accordance with the provisions of the Foreign Marriage Act 1892³, the marriage officer must register the marriage⁴.

The marriage officer must register the marriage in duplicate, in two marriage register books furnished for the purpose by the Registrar General for England and Wales⁵, through a Secretary of State⁶, according to the form provided for the registration of marriages in England, or as near to it as the difference of circumstances admits⁷. The entry in each book must be signed by the marriage officer, by the person solemnising the marriage if other than the marriage officer, by both the parties married, and by two witnesses of the marriage⁸. The marriage officer may ask of the parties to be married the several particulars required to be registered⁹. All such entries must be made in regular order from the beginning to the end of each book, and the number of the entry in each duplicate must be the same¹⁰. In January in every year, every marriage officer must send to a Secretary of State, for onward transmission to the Registrar General for England and Wales, a certified copy of all entries of marriages during the preceding year in the register book kept by him¹¹. If there has been no such entry, he must send a certificate of that fact¹². The marriage officer must keep the duplicate marriage register books safely until they are filled, then send one of them to a Secretary of State, to be transmitted by him to the Registrar General¹³.

The statutory provisions and penalties relating to registrars, registers of marriage, and certified copies in England and Wales¹⁴ apply to marriage officers, registers of marriages and certified copies abroad, so far as they are applicable, as if every marriage officer were a registrar¹⁵.

1 For these purposes, 'United Kingdom national' means (1) a British citizen, a British Dependent Territories citizen, a British Overseas citizen or a British National (Overseas); (2) a British subject under the British Nationality Act 1981; or (3) a British protected person within the meaning of that Act: Foreign Marriage Act 1892 s 1(2) (added by the Foreign Marriage (Amendment) Act 1988 s 1(1), (2)).

2 As to marriage officers see CONFLICT OF LAWS vol 8(3) (Reissue) PARA 215.

3 See CONFLICT OF LAWS vol 8(3) (Reissue) PARA 215 et seq.

4 See the Foreign Marriage Act 1892 s 9(2). The marriage officer is entitled to a fee for every marriage solemnised by him or in his presence under the Foreign Marriage Act 1892. For the fee for registering the marriage see the Consular Fees Order 1998, SI 1998/257, art 3, Schedule, fee 25. At the date at which this volume states the law, the fee was £75. Fees are also prescribed for making an addition or correction in the marriage register, furnishing a certified copy of an entry, and making a search where the number or date of entry is not provided: see Schedule, fees 30-32.

5 As to the Registrar General see PARAS 605-606 post.

- 6 As to the office of Secretary of State see CONSTITUTIONAL LAW AND HUMAN RIGHTS vol 8(2) (Reissue) PARA 355.
- 7 Foreign Marriage Act 1892 s 9(2) (amended by the Foreign Marriage (Amendment) Act 1988 s 5(1)).
- 8 Foreign Marriage Act 1892 s 9(3).
- 9 Ibid s 9(5).
- 10 Ibid s 9(4). See further CONFLICT OF LAWS vol 8(3) (Reissue) PARA 222.
- 11 Ibid s 10(1) (s 10(1), (2) amended by the Foreign Marriage (Amendment) Act 1988 s 5(1)). For the form of certification of a copy of the marriage register, see the Foreign Marriage Order 1970, SI 1970/1539, art 8, Schedule, form 3. Every copy must be certified under the marriage officer's hand and official seal: Foreign Marriage Act 1892 s 10(1) (as so amended).
- 12 Ibid s 10(1) (as amended: see note 11 supra). The certificate must be given under the marriage officer's hand and official seal: s 10(1) (as so amended).
- 13 Ibid s 10(2) (as amended: see note 11 supra).
- 14 See PARA 527 et seq ante.
- 15 See the Foreign Marriage Act 1892 s 17 (amended by the Foreign Marriage (Amendment) Act 1988 s 5(2)).

UPDATE

600 Registration of marriages solemnised by or before marriage officers

NOTE 1--For 'British Dependent Territories citizen' read 'British overseas territories citizen': see the British Overseas Territories Act 2002 s 2(3).

NOTE 4--SI 1998/257 replaced. The prescribed fee for registering a marriage under the 1892 Act, and the prescribed fee for registering a civil partnership under the Civil Partnership (Registration Abroad and Certificates) Order 2005, SI 2005/2761, is now £134: Consular Fees Order 2009, SI 2009/700, art 3, Sch 1, fees 30-31. As to the prescribed fees for making an addition or correction in the marriage register, issuing a certified copy of an entry, and making a search where the number or date of entry is not provided, see Sch 1, fees 36-38; and PARA 599.

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601. Registration of marriages solemnised under local law.

Subject to the marriage regulations¹, a British consul, or person authorised to act as a British consul, on being satisfied by personal attendance that a marriage between two parties, of whom one at least is a United Kingdom national, has been duly solemnised in a foreign country, in accordance with the local law of the country, and on payment of the proper fee, may register the marriage as having been so solemnised². Provision is also made for the registration of foreign marriage certificates, where such a marriage has not been attended by a British consul or person so authorised to act³.

Where a marriage between parties, of whom at least one is a United Kingdom national, has taken place in a foreign country in accordance with the local law, either party to the marriage⁴

may produce to the consul for the district in which the marriage has been solemnised or has taken place⁵ a certified copy of the entry in the marriage register⁶ or a marriage certificate issued by the appropriate authority of the country, accompanied by a translation into English⁷. If the consul is satisfied that the certificate has been duly issued and that the translation is a true one, he must, on payment of the appropriate fee⁸, send the certificate and translation, together with his own certificate regarding the accuracy of the translation, to the appropriate Registrar General⁹. Any person is entitled to have from the Registrar General a certified copy of any document received by the Registrar General under these provisions, on payment of fees in respect of the provision of the copy and any necessary search for the document¹⁰. Any copy of a foreign marriage certificate issued by the Registrar General is to be received, without further proof, in evidence as if it were a certificate duly issued by the authorities of the country in which the marriage was celebrated¹¹.

1 The regulations made by Order in Council under the Foreign Marriage Act 1892 s 21 (as amended): see the text and notes 3-11 *infra*; and see generally CONFLICT OF LAWS.

2 Ibid s 18(1) (amended by the Foreign Marriage (Amendment) Act 1988 s 1(3)); and see CONFLICT OF LAWS vol 8(3) (Reissue) PARA 224.

3 See the Foreign Marriage Act 1892 s 18(2), (3) (as added); and CONFLICT OF LAWS vol 8(3) (Reissue) PARA 225.

4 The provided that party is a United Kingdom national: Foreign Marriage Order 1970, SI 1970/1539, art 7(1) (amended by SI 1990/598).

5 In the absence of any such officer, documentation may be produced to the appropriate consul of any other government who has undertaken consular representation in that district on behalf of the United Kingdom government: Foreign Marriage Order 1970, SI 1970/1539, art 7(1) (as amended: see note 1 *supra*).

6 The certified copy must be duly authenticated by the appropriate authority in that country: *ibid* art 7(1) (as amended: see note 1 *supra*).

7 Ibid art 7(1) (as amended: see note 1 *supra*).

8 For the prescribed fee for transmitting a record of a marriage under local law to the Registrar General, including the provision of any necessary certification, see the Consular Fees Order 1998, SI 1998/257, art 3, Schedule, fee 27. At the date at which this volume states the law, the fee was £20. A fee is also payable for having a search made for, or obtaining copies of, or both, entries in the local registers or records not kept by a consular officer for an entry in a local register of marriages, and costs over £5 are also payable: see Schedule, fee 33.

9 In the case of any certificate relating to a party shown to be from Scotland or Northern Ireland, documents must be sent to the Registrar General for Scotland or Northern Ireland, as the case may be: see the Foreign Marriage Order 1970, SI 1970/1539, art 7(1) (as amended: see note 1 *supra*).

10 Ibid art 7(2). The fees must be the fees which are for the time being charged by the appropriate Registrar General for the provision of a certified copy of and any necessary search for, an entry in the records in his custody of marriages performed in England and Wales, Scotland or Northern Ireland, as the case may be: art 7(2).

11 Ibid art 7(3).

UPDATE

601 Registration of marriages solemnised under local law

NOTE 8--SI 1998/257 art 3, Schedule, fees 27, 33 now Consular Fees Order 2009, SI 2009/700, art 3, Sch 1, fees 33, 34, 39.

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B. MARRIAGES OF SERVICE PERSONNEL OVERSEAS

602. Provision for registration of marriages among service personnel overseas and their families.

Her Majesty may by Order in Council¹ provide for the keeping of records of marriages solemnised outside the United Kingdom² among, or among the families³ of:

- 228 (1) members of Her Majesty's naval, military or air forces⁴; or
- 229 (2) persons serving Her Majesty in, or otherwise employed in any capacity connected with, Her Majesty's naval, military or air forces, or persons belonging to or employed by any organisation concerned with the welfare of members of those forces⁵.

An order so made may provide for the transmission of certified copies of any such records to the Registrar General for England and Wales⁶.

The Registrar General for England and Wales must provide registering officers⁷ with registers for the purpose of recording marriages to which these provisions apply, and must also provide them with forms for making certified copies of entries in such registers⁸.

1 As to the exercise of this power see PARA 584 note 1 ante.

2 For the meaning of 'United Kingdom' see PARA 539 note 11 ante.

3 For these purposes, references to a person's family include references to any relative, dependant or servant ordinarily living with him: Registration of Births, Deaths and Marriages (Special Provisions) Act 1957 s 1(5).

4 Ibid s 1(1)(a); and see the Service Departments Registers Order 1959, SI 1959/406, art 1(a), Schedule Pt I para 1.

5 Registration of Births, Deaths and Marriages (Special Provisions) Act 1957 s 1(1)(b); and see the Service Departments Registers Order 1959, SI 1959/406, art 1(b), Schedule Pt I para 2 (art 1(1)(b) amended by SI 1988/1295). The persons falling within head (2) in the text for these purposes are persons in the service of the Crown employed with or accompanying any naval, military or air force of Her Majesty outside the United Kingdom: Schedule Pt I para 2. Cf the provision made for the registration of births and deaths, which is of wider application: see PARA 585 ante.

6 Registration of Births, Deaths and Marriages (Special Provisions) Act 1957 s 2(2)(a). See the Service Departments Registers Order 1959, SI 1959/406 (amended by SI 1963/1624; and SI 1988/1295); and PARAS 603-604 post. For transitional provisions relating to registration under previous legislation see the Registration of Births, Deaths and Marriages (Special Provisions) Act 1957 s 2(4); and as to validation of certain entries made in marine register books or other registers under earlier legislation see s 4(1), (2). The records are known as 'the service departments registers': see PARA 586 ante. As to the Registrar General see PARAS 605-606 post.

7 As to registering officers see the Service Departments Registers Order 1959, SI 1959/406, art 2(1) (as amended); and PARA 586 ante.

8 Ibid art 2(2). For transitional provisions see art 2(3).

UPDATE

602 Provision for registration of marriages among service personnel overseas and their families

NOTE 3--1957 Act s 1(6) substituted for s 1(5): Armed Forces Act 2006 Sch 16 para 39(4).

TEXT AND NOTES 4, 5--1957 Act s 1(1) amended: Civil Partnership Act 2004 Sch 27 para 21; Armed Forces Act 2006 Sch 16 para 39(2).

NOTE 6--SI 1959/406 further amended: SI 2002/3122, SI 2005/3186, SI 2007/908, SI 2009/1736.

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603. Qualified informants in relation to marriages.

A registering officer¹ must not make an entry in a register² recording any marriage³ unless information as to the particulars to be registered is given by a qualified informant⁴. Such an entry may be made on information given by a qualified informant in writing, provided that (1) the document containing that information is signed by the qualified informant; and (2) unless the informant is qualified by reason of his being a person who has solemnised a marriage under the relevant provisions of the Foreign Marriage Act 1892⁵, his signature is attested by an officer of the naval, military, or air forces of the Crown⁶. Where information is given orally, an entry in the register is not valid for the statutory purposes unless it is signed by the qualified informant⁷.

Either party to the marriage or the priest or other person conducting the ceremony is a qualified informant in relation to a marriage⁸.

The Registrar General for England and Wales may, however, authorise a registering officer to make an entry recording a marriage notwithstanding that information as to the particulars to be registered⁹ has not been given by a qualified informant, if a qualified informant is not readily available and satisfactory evidence of the marriage is produced to the Registrar General¹⁰.

After the expiration of 12 months from the date of a marriage to which these provisions apply, that marriage may not be registered without the written authority of the Registrar General for England and Wales and the fact that his authority has been obtained must be entered in the register¹¹.

¹ For the meaning of 'registering officer' see the Service Departments Registers Order 1959, SI 1959/406, art 2(1) (as amended); and PARA 586 ante.

² I.e. a register to which the Service Departments Registers Order 1959, SI 1959/406 (as amended) applies: see PARA 602 ante.

³ I.e. a marriage to which the Service Departments Registers Order 1959, SI 1959/406 (as amended) applies: see PARA 602 ante.

⁴ Ibid art 3(1).

⁵ I.e. under the Foreign Marriage Act 1892 s 22 (as substituted and amended) (marriages by chaplains of Her Majesty's forces etc): see CONFLICT OF LAWS vol 8(3) (Reissue) PARA 214.

- 6 See the Service Departments Registers Order 1959, SI 1959/406, art 3(2).
- 7 See *ibid* art 3(3).
- 8 *Ibid* art 3(4)(c).
- 9 As to the particulars to be registered in relation to marriages see generally para 507 ante.
- 10 Service Departments Registers Order 1959, SI 1959/406, art 3(5). As to the manner of making such an entry see art 6(3). As to the Registrar General see PARAS 605-606 post.
- 11 *Ibid* art 3(6). As to the manner of making such an entry see art 6(4).

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604. Other provisions relating to marriage registers.

A registering officer¹ must sign each entry and each correction of a completed entry made by him in a marriage register² and must state in every entry made by him on information given by a qualified informant³ the capacity in which the informant is qualified⁴. If that information is given in writing⁵ he must also state the name of the qualified informant⁶.

Any errors in an entry in a marriage register must be corrected in the prescribed manner⁷.

A registering officer making an entry or correcting an entry in a marriage register must transmit or cause to be transmitted to the Registrar General for England and Wales⁸ a certified copy of the entry, or of the entry as corrected⁹. Where an entry is made in such a register on information given in writing by a qualified informant, the registering officer must transmit the document containing that information to the Registrar General with the certified copy of the entry¹⁰.

Persons who have such registers in their custody must transmit them to the Registrar General when they have been completed or are no longer required¹¹.

- 1 For the meaning of 'registering officer' see the Service Departments Registers Order 1959, SI 1959/406, art 2(1) (as amended); and PARA 586 ante.
- 2 *Ie* a register provided under the Service Departments Registers Order 1959, SI 1959/406 (as amended): see PARA 602 ante.
- 3 As to qualified informants see PARA 603 ante.
- 4 Service Departments Registers Order 1959, SI 1959/406, art 6(1), (2).
- 5 *Ie* in accordance with *ibid* art 3(2): see PARA 603 ante.
- 6 *Ibid* art 6(2).
- 7 See the Registration of Births, Deaths and Marriages (Special Provisions) Act 1957 s 3(3); the Service Departments Registers Order 1959, SI 1959/406, art 5(1)-(3); and PARA 588 ante.
- 8 As to the Registrar General see PARAS 605-606 post.
- 9 Service Departments Registers Order 1959, SI 1959/406, art 7(1). As to transmitting copies of entries in registers or logbooks provided under earlier legislation see art 7(2), (3).
- 10 *Ibid* art 7(4).

11 See *ibid* art 8; and PARA 589 ante.

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3. THE REGISTRATION SERVICE

(1) THE REGISTRAR GENERAL AND THE GENERAL REGISTER OFFICE

605. The office.

The offices of the Registrar General¹ are known as the General Register Office² and any place in which any registers³ or records in his custody are deposited by his direction with Treasury approval is deemed to be part of the General Register Office⁴. Subject to the consent of the Treasury as to number, the Registrar General may appoint such officers and servants for the purposes of his functions as he may determine⁵.

The Registrar General and the officers and servants appointed by him must be paid such salaries or remuneration as the Treasury may from time to time determine⁶.

1 As to the appointment and functions of the Registrar General see PARAS 606-608 post.

2 The General Register Office forms part of the administrative department known as the Office for National Statistics, which was formed on 1 April 1996 by a merger between the Office for Population Censuses and Surveys (which itself incorporated both the General Register Office and the Government Social Survey Department: see 801 HC Official Report (5th series), 11 May 1970, written answers, col 240) and the Central Statistical Office of the Chancellor of the Exchequer. This administrative merger does not affect the statutory functions of the Registrar General or the General Register Office, but the functions of the Secretary of State in relation to the registration service have been transferred to the Chancellor of the Exchequer: see the Transfer of Functions (Registration and Statistics) Order 1996, SI 1996/273. The principal offices of the Registrar General are situated at 1 Drummond Gate, London SW1V 2QQ. The public search room of the General Register Office is at the Family Records Centre, 1 Myddelton Street, London EC1R 1UW.

3 The execution of the Non-parochial Registers Act 1840 is deemed to be a part of the business of this office: s 3 (amended by the Registration Service Act 1953 s 23(2), Sch 2). Certain non-parochial registers were deposited in the General Register Office by virtue of the Non-parochial Registers Act 1840 s 1 (as amended) and the Registrar General was to be furnished with lists of them (see s 4). The Registrar General was to cause lists to be made of the registers and any records transferred under the 1840 Act, and the registers and records are to be open for inspection: see s 5 (amended by the Registration Service Act 1953 s 23(1), Sch 1 para 2; and by virtue of the Decimal Currency Act 1969 s 10(1); and the Transfer of Functions (Registration and Statistics) Order 1996, SI 1996/273, art 3(1), Sch 1 para 1). Non-parochial registers from 1567 to 1858 are held at the Family Records Centre. As to public records generally see CONSTITUTIONAL LAW AND HUMAN RIGHTS vol 8(2) (Reissue) PARA 835. As to the evidential value of non-parochial registers and other records under the Non-parochial Registers Act 1840 see CIVIL PROCEDURE vol 11 (2009) PARA 911 et seq; and as to falsification of such registers see s 8 (as amended); and CRIMINAL LAW, EVIDENCE AND PROCEDURE vol 11(1) (2006 Reissue) PARA 356.

4 Registration Service Act 1953 s 2. See also note 2 supra.

5 *Ibid* s 3(1). As to the duties of such officers see PARA 606 et seq post.

6 *Ibid* s 4(1). The salary and expenses of the Registrar General under the Registration Acts (as to which see PARA 626 note 2 post) and in respect of the General Register Office must be paid out of money provided by Parliament: s 4(3).

UPDATE

605 The office

NOTE 2--Office for National Statistics replaced by, and its property, rights and liabilities transferred to, the Statistics Board, known in Wales as Y Bwrdd Ystadegau: see Statistics and Registration Service Act 2007 ss 1(1), (3), 55(a), 56. 'Rights and liabilities' includes rights and liabilities relating to employment: s 67. The Minister for the Cabinet Office may make a scheme or schemes transferring property, rights and liabilities (see s 67) from a minister of the Crown to the Board: see s 58. 'Minister of the Crown' has the same meaning as in the Ministers of the Crown Act 1975 (see CONSTITUTIONAL LAW AND HUMAN RIGHTS vol 8(2) (Reissue) PARA 354): Statistics and Registration Service Act 2007 s 67.

The Board is to exercise its functions on behalf of the Crown and, accordingly, the property, rights and liabilities (see s 67) of the Board are property, rights and liabilities of the Crown: s 2. As to the functions of the Board see PARA 605A; as to the use of information obtained by the Board in relation to the exercise of any of its functions see PARA 605C; and as to the provision of services and facilities by the Board see PARA 605D.

The Board is to consist of executive and non-executive members, with a non-executive chairman appointed by Her Majesty, and at least five other non-executive members, one of whom may be designated as deputy chairman, appointed by the Minister for the Cabinet Office after consultation with the chairman: s 3(1)-(3), (5). The five other non-executive members must include one person appointed by the Minister for the Cabinet Office after consulting the Scottish Ministers, one person appointed by the Minister for the Cabinet Office after consulting the Welsh Ministers, and one person appointed by the Minister for the Cabinet Office after consulting the Department of Finance and Personnel for Northern Ireland: s 3(4). The executive members are to be the National Statistician (see s 5), and two other employees of the Board appointed by the non-executive members: ss 3(6), 5(8). A person may not be both a non-executive member of the Board and an employee of the Board: s 3(7).

A non-executive member of the Board is to be appointed for at least one and no more than five years, and on such other terms and conditions as the person making the appointment thinks fit, and is to hold and vacate office in accordance with the terms and conditions of his appointment: s 4. The Board is to have (1) an officer known as the National Statistician (see PARA 605B), appointed by Her Majesty; (2) an officer known as the Head of Assessment (see PARA 605B), appointed by the non-executive members of the Board; and (3) with the approval of the Minister for the Civil Service as to numbers and terms and conditions of employment, such other employees as it may appoint: s 5.

A document purporting to be duly executed under the seal of the Board (authenticated by the signature of a person authorised for that purpose by the Board (generally or specifically)) or purporting to be signed on its behalf is to be received in evidence and taken, unless the contrary is proved, as so executed or signed: s 62.

The Minister for the Cabinet Office may give the Board such directions as he considers appropriate in the event of a serious failure by it to perform any of its functions or for the purpose of implementing any Community obligation: s 29.

As to expenditure of the Board, payments to it and remuneration, pensions, allowances or expenses of its members see s 61.

NOTE 3--1840 Act s 1 repealed: Statute Law (Repeals) Act 2004. 1840 Act ss 5-17 apply to the registers or records deposited in the General Register Office under the Births and Deaths Registration Act 1858 as they apply to the registers or records deposited under the 1840 Act: s 17A (added by Statute Law (Repeals) Act 2004 Sch 2 para 3). 1840 Act s 5 further amended: SI 2008/678.

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605A. Functions of the Statistics Board.

1. General functions relating to official statistics

The Statistics Board (see PARA 605) must monitor the production and publication of official statistics, and may report, to the person responsible for them, any concerns it has about their quality, good practice in relation to them, or their comprehensiveness, and may publish its findings or any such report: Statistics and Registration Service Act 2007 s 8. 'Official statistics' means (1) statistics produced by (a) the Board, (b) a government department, (c) the Scottish Administration, (d) a Welsh ministerial authority (see s 6(5)), (e) a Northern Ireland department, or (f) any other person acting on behalf of the Crown, and (2) such other statistics as may be specified by order by (a) a minister of the Crown, (b) the Scottish Ministers, (c) the Welsh Ministers, or (d) a Northern Ireland department: s 6(1)-(3); Official Statistics Order 2009, SI 2009/753. 'Person responsible', in relation to any official statistics, means (1) in the case of official statistics produced by the Board, the National Statistician, (2) in the case of official statistics produced by a government department, the minister in charge of the department, and (3) in any other case, the person producing the statistics: Statistics and Registration Service Act 2007 s 67. For the meaning of 'minister of the Crown' see PARA 605. As to the procedure to be followed when making orders see s 65. The Board must, at least once every financial year, publish a list of statistics which are at the time of publication official statistics by virtue of head (2): s 6(4).

The Board must (i) develop and maintain definitions, methodologies, classifications and standards for official statistics, and (ii) promote their use in relation to official statistics; and may in particular for these purposes give guidance and advice to persons responsible for official statistics, and may publish such guidance and advice: s 9.

In the exercise of its functions under ss 8-21 the Board is to have the objective of promoting and safeguarding the production and publication of official statistics that serve the public good, including in particular informing the public about social and economic matters, and assisting in the development and evaluation of public policy: s 7(1), (2). The Board, in the exercise of those functions, must promote and safeguard the quality of official statistics (including their impartiality, accuracy and relevance, and their coherence with other official statistics), good practice in relation to them (including ensuring accessibility), and the comprehensiveness of official statistics: s 7(3)-(5).

2. National Statistics

The Statistics Board (see PARA 605) must prepare, adopt and publish a Code of Practice for Statistics, and may at any time, after appropriate consultation, revise the Code and, if it decides to do so, must publish the Code as revised: Statistics and Registration Service Act 2007 s 10. The Code may not deal with any matter relating to the granting of pre-release access to official statistics, and the appropriate authority may for these purposes by order provide for rules and principles relating to the granting of pre-release access to official statistics: s 11(1)-(5), (7). 'Pre-release access', in relation to official statistics, means access to the statistics in their final form prior to publication: s 11(8). 'Appropriate authority' in s 11 means (1) the Minister for the Cabinet Office, except in a case falling within heads (2)-(4) below; (2) the

Scottish Ministers, in relation to official statistics that are wholly Scottish devolved statistics; (3) the Welsh Ministers, in relation to official statistics that are wholly Welsh devolved statistics; (4) the Department of Finance and Personnel for Northern Ireland, in relation to official statistics that are wholly Northern Ireland devolved statistics (see s 66(4)): s 11(6). As to the procedure to be followed when making orders see s 65. In exercise of the power so conferred on him the Minister for the Cabinet Office has made the Pre-release Access to Official Statistics Order 2008, SI 2008/2998. In exercise of the power conferred on them, the Welsh Ministers have made the Pre-release Access to Official Statistics (Wales) Order 2009, SI 2009/2818.

At the request of the appropriate authority, the Board, taking into account information or advice received from any person, must assess and determine whether the Code has been complied with in relation to any official statistics and, if it determines that the Code has been complied with, it must designate the statistics as 'National Statistics'; but otherwise it must decline so to designate them: Statistics and Registration Service Act 2007 s 12(1), (2), (6). In this context, the 'appropriate authority' in relation to any official statistics is a minister of the Crown, except that the National Statistician is the appropriate authority in relation to statistics produced by the Board, the Scottish Ministers are the appropriate authority in relation to official statistics not produced by the Board which are Scottish devolved statistics (see s 66(1), (2)), the Welsh Ministers are the appropriate authority in relation to official statistics not produced by the Board which are Welsh devolved statistics (see s 66(3)), and any Northern Ireland department is the appropriate authority in relation to official statistics not produced by the Board which are Northern Ireland devolved statistics: s 12(7). For the meaning of 'minister of the Crown' see PARA 605. A request under s 12(1) may not be withdrawn: s 12(3). The person responsible for any official statistics in relation to which an assessment is being made must provide the Board with such information about the statistics as it may reasonably require, and the Board must publish the results of any assessment: s 12(4), (5). For the meaning of 'person responsible' see PARA 605A.1. The person producing any official statistics which are so designated as National Statistics must ensure that the Code under s 10 continues to be complied with in relation to the statistics: s 13(1). Failure to comply with s 13(1) in relation to any statistics means that the designation of the statistics as National Statistics may not be confirmed under s 14 (but no action lies in relation to any such failure): s 13(2).

The Board, taking into account information or advice received from any person, must assess and determine whether the Code continues to be complied with in relation to statistics already designated as National Statistics and, if it so determines, it must confirm their designation as National Statistics; but otherwise it must cancel their designation: Statistics and Registration Service Act 2007 s 14(1), (2), (4). The person responsible for any official statistics in respect of which an assessment is being made must provide the Board with such information about the statistics as it may reasonably require: s 14(3). The Board must publish the results of any such assessment: s 14(5). The designation of any statistics as National Statistics may not be cancelled except pursuant to a determination under s 14(1): s 14(6). The Board must prepare and publish a programme for the assessment and re-assessment of statistics under ss 12(1) and 14(1), and may at any time revise the programme and, if it decides to do so, must publish the programme as revised: s 15.

Where in the case of any official statistics other than statistics produced by the Board the appropriate authority (see s 12(7)) has not under s 12(1) requested the Board to assess and determine whether the Code has been complied with, and the Board is of the view that it would be appropriate for it to do so, the Board must notify the appropriate authority accordingly: s 16(1), (7). Where the appropriate authority is a minister of the Crown, the Board must lay a copy of its notification before Parliament: s 16(2). Where a minister of the Crown receives such notification he must provide the Board with a statement, including a timetable for making the request, that he intends to make a request under s 12(1) in relation to the statistics, or a statement, giving reasons, that he does not intend to make such a request, and must lay a copy of the statement before Parliament: s 16(3)-(5). Where the National Statistician decides not to request that an official statistic produced under the authority of the Board be assessed

for compliance with the Code, he must make a statement to that effect, lay a copy of the statement before Parliament, and give reasons for his decision: s 16(6).

The Board must prepare and publish a statement of the principles to which it will have regard, and the procedures which it will adopt, in exercising its functions under ss 12(1) and 14(1), and it may at any time, after appropriate consultation, revise the statement and, if it decides to do so, must publish the statement as revised: s 17. At least once every financial year, the Board must publish a list of statistics which are at the time of publication designated as National Statistics: s 18.

Transitional provision is made for the maintenance and revision of the existing National Statistics Code of Practice Board before the Board has adopted and published a Code under s 10: s 19.

3. Production of statistics and other statistical functions

The Statistics Board (see PARA 605) may itself produce and publish statistics relating to any matter relating to the United Kingdom or any part of it, and may at any time publish information or give advice on statistics so produced: Statistics and Registration Service Act 2007 s 20(1), (2). The Board may not (1) without the consent of the Scottish Ministers, produce and publish Scottish devolved statistics; (2) without the consent of a Welsh ministerial authority, produce and publish Welsh devolved statistics; (3) without the consent of the appropriate Northern Ireland department, produce and publish Northern Ireland devolved statistics (see s 66(4)): s 20(3)-(5).

The Board must under s 20 compile and maintain the retail prices index, and publish it every month: s 21(1). Before making any change to the coverage or the basic calculation of the retail prices index, the Board must consult the Bank of England as to whether the change constitutes a fundamental change in the index which would be materially detrimental to the interests of the holders of relevant index-linked gilt-edged securities and, if the Bank of England considers that the change constitutes such a fundamental change, the Board may not make the change without the consent of the Chancellor of the Exchequer: s 21(2)-(5). 'Retail prices index' means the United Kingdom General Index of Retail Prices; 'index-linked gilt-edged securities' means securities issued under the National Loans Act 1968 s 12 (see CONSTITUTIONAL LAW AND HUMAN RIGHTS vol 8(2) (Reissue) PARAS 728, 729) the amount of the payments under which is determined wholly or partly by reference to the retail prices index; and 'relevant index-linked gilt-edged securities' means index-linked gilt-edged securities issued before the commencement of this section subject to a prospectus containing provision relating to early redemption in the event of a change to the retail prices index: Statistics and Registration Service Act 2007 s 21(4).

The Statistics Board may provide statistical services to any person in any place within or outside the United Kingdom, in including in particular providing information, advice and technical assistance in relation to statistics; providing quality assessment in relation to statistics; conducting statistical surveys and analysis; collecting, adapting and developing data: s 22. The Board may promote and assist statistical research, in particular by providing access (where it may lawfully do so) to data held by it: Statistics and Registration Service Act 2007 s 23.

A minister of the Crown or a Welsh ministerial authority may by order delegate to the Board any of their functions relating to the production of statistics: s 24(1), (2), (4). As to the meaning of 'minister of the Crown' see PARA 605. Certain functions of the Chancellor of the Exchequer under the Statistics of Trade Act 1947 are so delegated: Statistics and Registration Service Act 2007 (Delegation of Functions (Economic Statistics) Order 2008, SI 2008/792. As to procedure for making orders see Statistics and Registration Service Act 2007 s 65.

The Board may do anything which it thinks necessary or expedient for the purpose of, or in connection with, the exercise of its functions, and anything required to be published by it may be published by it in such manner as it thinks fit: Statistics and Registration Service Act 2007 s 26. It must produce an annual report which it must lay before Parliament and the National Assembly for Wales, and may produce other reports to be laid before Parliament or the National Assembly: s 27. It must exercise its functions efficiently and cost-effectively and must seek to minimise the burdens (including financial burdens) it imposes on other persons: s 28.

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605B. Organisation and administration of the Statistics Board.

The National Statistician is to be the Statistics Board's (see PARA 605) principal adviser on (1) the quality of official statistics (see PARA 605A.1), (2) good practice in relation to official statistics, and (3) the comprehensiveness of official statistics (Statistics and Registration Service Act 2007 s 30(1)); and the Board must have regard to the advice of the National Statistician on those matters (s 30(2)). If the Board rejects the advice of the National Statistician (a) in relation to the development and maintenance of definitions, methodologies, classifications and standards for official statistics, or (b) as to the application to any statistics produced by the Board of any definition, methodology, classification or standard promoted by the Board under s 9 (see PARA 605A.1), the Board must publish a statement of its reasons for doing so (s 30(3)); and where it publishes such a statement, it must as soon as possible thereafter lay a copy before Parliament (s 30(4)).

The National Statistician may not take part in any assessment or determination of the Board under s 12(1) (see PARA 605A.2) or 14(1) (see PARA 605A.2) in relation to statistics produced by the Board: s 34(1). The National Statistician is also to be the chief executive of the Board (s 31(1) and may exercise any of the functions of the Board (including functions of establishing committees under s 35 and delegating functions to such committees) (s 31(2)), but may not exercise the functions of determining under s 10 whether to adopt a code as the Code of Practice for Statistics or to revise the Code, or determining under s 12(1) or 14(1) whether any official statistics comply with the Code (s 31(3)). The Board may direct the National Statistician not to exercise a particular function, or as to how he should exercise a particular function: s 31(4). In the event of a vacancy in the office of National Statistician, his functions under ss 31 and 32 may be exercised by such one of the other executive members of the Board as the Board may direct: s 31(5).

The National Statistician must establish an executive office of the Board to assist him in his exercise of the function of the Board under s 9(1)(a) (see PARA 605A.1 head (i)), s 20 (see PARA 605A.3), s 21 (see PARA 605A.3), s 22 (see PARA 605A.3), and any other function of the Board which he may exercise under s 31(2): s 32(1). For these purposes, the National Statistician may delegate any function of the Board referred to in s 32(1) to any other member of the executive office (s 32(3)) but such delegation does not prevent the National Statistician from exercising the function himself (s 32(4)). The executive office is, subject to the Statistics and Registration Service Act 2007, to consist of (A) the National Statistician (who is to be its head), (B) the other executive members of the Board (see PARA 605), and (C) such other employees of the Board as the National Statistician may assign to it: s 32(2).

An executive member of the Board, not being the National Statistician or Head of Assessment, or a person assigned to the executive office of the Board under s 32(2)(c) (see head (c) above)

may not take part in any assessment or determination of the Board under s 12(1) or 14(1): s 34(2).

The Head of Assessment is to be the Board's principal adviser on the exercise of its functions under ss 12(1) and 14(1) (Statistics and Registration Service Act 2007 s 33(1)), and the Board must have regard to the advice of the Head of Assessment in the exercise of those functions. (s 33(2)). The Head of Assessment (aa) if an executive member of the Board, may not exercise functions of the National Statistician under s 31(5), (bb) may not be a member of the executive office of the Board under s 32(2)(b) (see head (b) above) or (c) (see head (c) above), and (cc) may not in any other way take part in the production of statistics by the Board: s 33(3). The Board must seek to secure that, so far as practicable, employees who take part in the production of statistics should not be engaged in advising the Board on the exercise of its functions under ss 12(1) and 14(1) in relation to those statistics: s 34(3).

The Board may establish committees, which themselves may establish one or more sub-committees, for the purpose of exercising functions of the Board, or giving advice to it and a committee so established to give advice may include persons who are neither members nor employees of the Board: Statistics and Registration Service Act 2007 s 35. The Board may delegate any of its functions (generally or specifically) to a member of the Board, to an employee of the Board not assigned to the executive office of the Board, or to a committee established to exercise functions of the Board, but may not delegate the functions of determining under s 10 (see PARA 605A.2) whether to adopt or revise the Code of Practice for Statistics, or determining under s 12(1) or 14(1) whether any official statistics comply with the Code: Statistics and Registration Service Act 2007 s 36(1), (2). Committees established to exercise functions of the Board may also delegate any of their functions to sub-committees: s 36(3). The delegation of a function does not prevent the Board or committee from exercising the function: s 36(4).

Subject to Pt 1 (ss 1-67), the Board may regulate its own proceedings and the proceedings of any of its committees, which themselves may regulate the proceedings of their sub-committees: s 37(1), (2). The validity of any proceedings of the Board, its committees or sub-committees, is not affected by a vacancy, or a defective appointment: s 37(3).

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605C. Use and disclosure of information by the Statistics Board

Any information obtained by the Statistics Board (see PARA 605) in relation to the exercise of any of its functions (see PARA 605A) (but not information obtained by the Board in relation to the exercise of its functions under the Statistics and Registration Service Act 2007 s 22 (see PARA 605A.3), unless the person from whom the Board receives the information consents to its use) may be used by it in relation to the exercise of any of its other functions but this does not apply to information obtained by the Board in relation to the exercise of its functions under s 12(1) (see PARA 605A.2) and 14(1) (see PARA 605A.2) and is subject to any enactment which restricts or prohibits the use or disclosure of information: Statistics and Registration Service Act 2007 s 38. 'Enactment' includes an enactment contained in, or in an instrument made under, an Act of the Scottish Parliament, and an enactment contained in, or in an instrument made under, Northern Ireland legislation: s 67.

Personal information held by the Board in relation to the exercise of any of its functions must not be disclosed by any member or employee of the Board, a member of any committee of the Board, or any other person who has received it directly or indirectly from the Board, but this

does not apply to a disclosure which (1) is required or permitted by any enactment, (2) is required by a Community obligation, (3) is necessary for the purpose of enabling or assisting the Board to exercise any of its functions, (4) has already lawfully been made available to the public, (5) is made in pursuance of an order of a court, (6) is made for the purposes of a criminal investigation or criminal proceedings (whether or not in the United Kingdom), (7) is made with the consent of the person to whom it relates, or (8) is made to an approved researcher: s 39(1), (4) (s 39(4) amended by Counter-Terrorism Act 2008 Sch 1 para 5, Sch 9 Pt 2). 'Personal information' means information which relates to and identifies a particular person (including a body corporate); but does not include information about the internal administrative arrangements of the Board (whether relating to its members, employees or other persons) (Statistics and Registration Service Act 2007 s 39(2)); and information identifies a particular person if the identity of that person is specified in the information, can be deduced from the information, or can be deduced from the information taken together with any other published information (s 39(3)).

'Approved researcher' means an individual to whom the Board has granted access, for the purposes of statistical research, to personal information held by it: Statistics and Registration Service Act 2007 s 39(5). The Board is from time to time to publish criteria by reference to which it will determine whether to grant such access: s 39(6), (7). A researcher must sign a declaration that he understands the confidentiality obligation: s 39(8).

A person who contravenes s 39(1) is guilty of an offence and liable on conviction on indictment, to imprisonment for a term not exceeding two years, or to a fine, or both, or on summary conviction, to imprisonment for a term not exceeding 12 months (or 3 months in relation to offences committed before the commencement of the Criminal Justice Act 2003 s 154(1) (general limit on magistrates' courts powers to impose imprisonment)), or to a fine not exceeding the statutory maximum, or both: s 39(9), (11). As to the statutory maximum see PARA 634-750 NOTE 7. It is a defence to an offence that the individual making the disclosure reasonably believes that the identity of the person to whom the information relates is not specified in the information and cannot be deduced from such information or from any other published information: s 39(10).

The Freedom of Information Act 2000 s 44 (see CONFIDENCE AND DATA PROTECTION vol 8(1) (2003 Reissue) PARA 596) does not, by virtue of the Statistics and Registration Service Act 2007 s 39, apply to personal information which is held by a public authority which has received it directly or indirectly from the Board, and is not held by that authority on behalf of the Board: s 40(1). In s 40(1), 'public authority' has the same meaning as in the Freedom of Information Act 2000 (see CONFIDENCE AND DATA PROTECTION vol 8(1) (2003 Reissue) PARA 583 NOTE 2): Statistics and Registration Service Act 2007 s 40(2).

The Board may disclose any information obtained by it in connection with any function exercised by it to any person providing services to the Board, if the Board considers it necessary or appropriate to do so for the purpose of the provision of those services: s 41. The Secretary of State or other public authority may disclose patient registration information to the Board for its use for the production of population statistics: see s 43. Corresponding provision enables the Welsh Ministers to disclose patient registration information to the Board for such use: see s 44. 'Public authority' (except in s 40(1)) means (a) a person or body exercising functions of a public nature in the United Kingdom, (b) a person or body entirely or substantially funded from public money, (c) an office-holder appointed by a person or body falling within head (a), or (d) a body more than half of whose governing body or members are appointed by a person or body falling within head (a): s 67.

The Minister for the Cabinet Office, with the consent of the Treasury or the Welsh ministers, as the case may be, may make regulations for the purpose of authorising a public authority to disclose information to the Board, to enable it to carry out one or more of its functions, other than its function under s 22 (see PARA 605A.3) where the disclosure would otherwise be prohibited by a rule of law or an Act passed before the Statistics and Registration Service Act

2007 (but excluding the Data Protection Act 1998 or the Human Rights Act 1998 (see Statistics and Registration Service Act 2007 s 54)) or the authority would not otherwise have power to make the disclosure: see s 47. As to regulations made under s 47, see Statistics and Registration Service Act 2007 (Disclosure of Pupil Information) (England) Regulations 2009, SI 2009/277; Statistics and Registration Service Act 2007 (Disclosure of Higher Education Student Information) Regulations 2009, SI 2009/3201. As to the procedure to be followed when making regulations see Statistics and Registration Service Act 2007 s 65.

The Commissioners for Her Majesty's Revenue and Customs or an officer of Revenue and Customs may disclose to the Board, if the Commissioners are satisfied that the Board requires it to enable it to exercise one or more of its functions, other than its function under s 22, any information (but only information relating to the import or export of goods to or from the United Kingdom) held by the Revenue and Customs in connection with any function of the Revenue and Customs, for use by the Board for the purposes of any one or more of its functions, other than its function under s 22: see Statistics and Registration Service Act 2007 s 45(1)-(3), (5), (6). Information so disclosed to the Board may not be disclosed by it to any person except with the consent of the Commissioners: s 45(4).

The Minister for the Cabinet Office may (i) make regulations (see s 65 above) for the purpose of authorising the Board to use information received from a public authority where the use would otherwise be prohibited by a rule of law or an Act passed before the Statistics and Registration Service Act 2007 (see s 54 above), to enable the Board to carry out one or more of its functions, other than its function under s 22 (see s 50); (ii) by regulations make provision for the purpose of authorising the Board to disclose information to a public authority where the disclosure would otherwise be so prohibited (see s 51).

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605D. Provision of services and facilities by the Statistics Board.

The Statistics Board may provide services and facilities, including in particular the making available of premises, computer systems and administrative services, to (1) the Registrar General for England and Wales (see PARA 606) in order to enable him more efficiently to carry out his functions, (2) the Boundary Commission for England (see ELECTIONS AND REFERENDUMS vol 15(3) (2007 Reissue) PARA 67) in order to enable it more efficiently to carry out its functions, and (3) the Secretary of State or another public authority in order to enable him or it more efficiently to carry out his or its functions relating to the registration in England or Wales of persons to whom primary medical services (for the purposes of the National Health Service Act 2006 or the National Health Service (Wales) Act 2006, as the case may be) (see HEALTH SERVICES vol 54 (2008) PARA 241) are or have been provided: Statistics and Registration Service Act 2007 s 59. For the meaning of 'public authority' see PARA 605C.

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606. Appointment and functions.

The Registrar General for England and Wales is appointed by the Crown under the Great Seal of the United Kingdom¹; he is required to exercise the powers and perform the duties conferred or imposed by or under any enactment on the Registrar General, whether described by that title alone or with any additional description, and holds office during Her Majesty's pleasure². With the approval of the Chancellor of the Exchequer³, he may make regulations by statutory instrument:

- 230 (1) prescribing the duties of superintendent registrars⁴, registrars of births and deaths⁵ and registrars of marriages in the execution of any enactment relating to their functions⁶;
- 231 (2) prescribing the duties of authorised persons⁷ under the Marriage Act 1949⁸;
- 232 (3) prescribing the duties under the Registration Acts⁹ of proper officers of non-metropolitan counties and metropolitan districts and such other officers as may be appointed in pursuance of any local scheme¹⁰;
- 233 (4) making provision as to the place and manner in which, the days on which and the hours during which any documents kept in the General Register Office¹¹ and required to be available for search by the public are to be so available¹²;
- 234 (5) prescribing anything which is required by the Registration Acts¹³ to be prescribed¹⁴;
- 235 (6) providing that any specified provision of the Births and Deaths Registration Act 1953 relating to the registration or entry of births is to cease to apply in relation to stillbirths¹⁵ or that any such provision expressed not to apply in relation to stillbirths is to apply in relation to them with such modifications, if any, as may be prescribed¹⁶;
- 236 (7) concerning the notification and certification of death and for the recording of information relating to industrial diseases and matters related thereto¹⁷;
- 237 (8) providing for the furnishing by superintendent registrars and registrars¹⁸, subject to the payment of such fee as may be prescribed by the regulations, of such information for certain social security purposes¹⁹, including copies or extracts from the registers in their custody, as may be so prescribed²⁰.

The general functions of the Registrar General include power to supervise and direct the registration of births, marriages and deaths in England and Wales²¹ and to appoint, subject to the consent of the Treasury as to number, his officers and servants²².

The Registrar General acts as an assessor to the boundary commissions for England and Wales²³.

Regulations may provide that it is to be duty of the Registrar General to furnish the Secretary of State²⁴, for the purpose of his functions under the Social Security Contributions and Benefits Act 1992, the Social Security Administration Act 1992, the Jobseekers Act 1995 and the Social Security (Recovery of Benefits) Act 1997, with the prescribed particulars of such deaths as may be prescribed²⁵. The regulations may make provision as to the manner in which and times at which the particulars are to be furnished²⁶.

Subject to certain conditions, the Registrar General must allow an adopted person who has reached the age of 18 to have access to his birth records²⁷. The Registrar General must also maintain an adoption contact register²⁸.

1 As to the Great Seal of the United Kingdom see CONSTITUTIONAL LAW AND HUMAN RIGHTS vol 8(2) (Reissue) PARA 909.

2 Registration Service Act 1953 s 1.

3 See the Transfer of Functions (Registration and Statistics) Order 1996, SI 1996/273, art 3(1), Sch 1 paras 7(c), 9(c).

- 4 As to superintendent registrars see PARA 610 post.
- 5 As to registrars of births and deaths see PARA 610 post.
- 6 Registration Service Act 1953 s 20(a). As to the regulations so made see PARA 501 note 4 ante. As to registrars of marriages see PARA 611 post.
- 7 As to authorised persons see MATRIMONIAL AND CIVIL PARTNERSHIP LAW vol 72 (2009) PARA 107.
- 8 Marriage Act 1949 s 74(a) (amended by the Registration Service Act 1953 s 23(2), Sch 2; the Transfer of Functions (Registration and Statistics) Order 1996, SI 1996/273, art 5(1), Sch 2 paras 11, 13).
- 9 For the meaning of 'the Registration Acts' see PARA 501 note 3 ante.
- 10 Registration Service Act 1953 s 20(b) (amended by the Local Government Act 1972 s 251, Sch 29, PARA 41). 'Local scheme' means the scheme or schemes made under the Registration Service Act 1953 s 14 (as amended) (see PARA 623 post): s 21(1) (as so amended). Any reference to a metropolitan district or the council of a metropolitan district includes a reference to the City of London or the Common Council of the City of London and to a London borough and its council; and any reference to a non-metropolitan county includes a reference to a county borough: s 21(2)(b) (as so amended; definition further amended by the London Government Act 1963 s 93(1), Sch 18 Pt II; by the Statute Law (Repeals) Act 1976; and by the Local Government (Wales) Act 1994 s 66(6), Sch 16 para 12). As to non-metropolitan counties and metropolitan districts in England, and counties and county boroughs in Wales, see generally LOCAL GOVERNMENT vol 69 (2009) PARAS 5 et seq; 37 et seq. The Marriage Act 1949 and the Registration Service Act 1953 have effect as if the Isles of Scilly were a non-metropolitan county: Isles of Scilly Order 1978, SI 1978/1844, art 12. As to local government in the Isles of Scilly see generally LOCAL GOVERNMENT vol 69 (2009) PARA 36.
- 11 As to the General Register Office see PARAS 501-503, 605 ante.
- 12 Registration Service Act 1953 s 20(c).
- 13 Ie by the Registration Service Act 1953 (see PARA 607 et seq post) or by the Marriage Act 1949 or the Births and Deaths Registration Act 1953 (see PARA 504 et seq ante).
- 14 Marriage Act 1949 s 74(b); Births and Deaths Registration Act 1953 s 39(a); Registration Service Act 1953 s 20(d).
- 15 For the meaning of 'birth' and 'stillbirth' see PARA 504 note 5 ante.
- 16 Births and Deaths Registration Act 1953 s 39(b). This does not, however, apply in relation to s 9 (as amended) (see PARA 548 ante) or s 11 (as amended) (see PARAS 550-551 ante): s 39 proviso.
- 17 See the Industrial Diseases (Notification) Act 1981 s 1 (amended by the Transfer of Functions (Registration and Statistics) Order 1996, SI 1996/273, art 5(1), Sch 2 para 20; and by virtue of art 3(1), Sch 1 para 13). See also the Registration of Births and Deaths Regulations 1987, SI 1987/2088, regs 2(2)(b), 40(1)(a) (i), 41(1)(f), Sch 2, Form 14: and PARA 563 ante. Alternatively, the Chancellor of the Exchequer may make the relevant regulations: see the Industrial Diseases (Notification) Act 1981 s 1 (as so amended).
- 18 For these purposes, 'superintendent registrar' and 'registrar' mean a superintendent registrar or, as the case may be, registrar for the purposes of the enactments relating to the registration of births, deaths and marriages: Social Security Administration Act 1992 s 124(5).
- 19 Ie the purposes mentioned in ibid s 124(1) (amended by the Jobseekers Act 1995 s 41(4), Sch 2 para 59): see PARA 526 note 1 ante.
- 20 Social Security Administration Act 1992 s 124(1) (as amended: see note 19 supra).
- 21 The Registrar General may authorise in writing, generally or specially, any officer or servant to carry out any of the functions of the Registrar General on his behalf: Registration Service Act 1953 s 3(2).
- 22 Ibid s 3(1). As to the appointment of local registration officers see PARA 610 et seq post.
- 23 See the Parliamentary Constituencies Act 1986 s 2(2), Sch 1 para 5; and PARLIAMENT vol 78 (2010) PARA 896.
- 24 Ie the Secretary of State for Social Security: see SOCIAL SECURITY AND PENSIONS vol 44(2) (Reissue) PARA 1.

25 Social Security Administration Act 1992 s 125(1) (amended by the Jobseekers Act 1995 s 41(4), Sch 2 para 60; and the Social Security (Recovery of Benefits) Act 1997 s 33(1), Sch 3 para 5).

26 Social Security Administration Act 1992 s 125(2). At the date at which this volume states the law, no such regulations had been made. As to the duty of registrars of births and deaths to furnish such particulars, however, see PARA 617 post.

27 See the Adoption Act 1976 s 51 (as amended); and CHILDREN AND YOUNG PERSONS vol 5(3) (2008 Reissue) PARA 385.

28 See *ibid* s 51A (as added); and CHILDREN AND YOUNG PERSONS vol 5(3) (2008 Reissue) PARA 386 et seq.

UPDATE

606 Appointment and functions

TEXT AND NOTES--The Registrar General for England and Wales may, for the purpose of the exercise by the Statistics Board (see PARA 605) of any function, disclose to the Board (1) any information entered in any register kept under the Births and Deaths Registration Act 1953 (see PARA 536 et seq); (2) any other information received by the Registrar General in relation to any birth or death; (3) any information entered in the Adopted Children Register maintained by the Registrar General under the Adoption and Children Act 2002 s 77 (see CHILDREN AND YOUNG PERSONS vol 5(3) (2008 Reissue) PARAS 383, 384); (4) any information entered in any marriage register book kept under the Marriage Act 1949 Pt 4 (ss 53-67) (see PARA 558 et seq); (5) any information relating to a civil partnership which is recorded under the Civil Partnership Act 2004 at the time of the formation of the civil partnership (see MATRIMONIAL AND CIVIL PARTNERSHIP LAW): Statistics and Registration Service Act 2007 s 42(1), (2). In head (2) above 'birth' has the same meaning as in the 1953 Act (see PARA 504 NOTE 5): Statistics and Registration Service Act 2007 s 42(3).

The Board may, for the purpose of assisting the Secretary of State or the Welsh Ministers in the performance of his or their functions in relation to the health service (see HEALTH SERVICES vol 54 (2008) PARA 10 NOTE 3), disclose to him or them, in such form as it considers appropriate, any information referred to in heads (1)-(3) above which is received by the Board under s 42: s 42(4)-(6).

NOTES--Certain functions under provisions mentioned in this paragraph are 'relevant functions' for the purposes of the Regulatory Enforcement and Sanctions Act 2008 s 4, Sch 3, see LOCAL GOVERNMENT vol 69 (2009) PARA 733.

TEXT AND NOTES 1, 2--1953 Act s 1 now s 1(1) (renumbered by Statistics and Registration Service Act 2007 s 68(1)(a)). The Registrar General is a corporation sole by the name of the Registrar General for England and Wales: 1953 Act s 1(2) (s 1(2)-(5) added by Statistics and Registration Service Act 2007 s 68(1)(b)). The Registrar General may do anything (including acquire or dispose of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of his functions (1953 Act s 1(3)); and he discharges his functions on behalf of the Crown (s 1(4)). Service as Registrar General is not service in the civil service of the Crown; but the Registrar General is a Crown servant for the purposes of the Official Secrets Act 1989 (see CRIMINAL LAW, EVIDENCE AND PROCEDURE vol 11(1) (2006 Reissue) PARA 483 et seq): 1953 Act s 1(5). Subject to the Statistics and Registration Service Act 2007 s 57, the property, rights and liabilities (see s 67; and PARA 605) of the Registrar General are the property, rights and liabilities of the Registrar General as a corporation sole: s 68(2).

The functions of the Registrar General for England and Wales under the Census Act 1920 (see PARAS 630, 634-750), the 1953 Act s 19 (see PARA 608), and the Parliamentary Constituencies Act 1986 Sch 1 para 5(a), (c) (see ELECTIONS AND

REFERENDUMS vol 15(3) (2007 Reissue) PARA 68) are transferred to the Board (Statistics and Registration Service Act 2007 s 25(1), (2)) and the Registrar General's property, rights and liabilities (see s 67) held or incurred in relation to those functions are transferred to the Board (see s 57).

NOTE 2--The Registrar General for England and Wales may supply information contained in any register of deaths kept by him to (1) a police force in the United Kingdom; (2) a special police force; (3) the Serious Organised Crime Agency; or (4) a person or body specified, or of a description specified, by order, for use in the prevention, detection, investigation or prosecution of offences: Police and Justice Act 2006 s 13(1). The power to make an order under head (4), is exercisable in relation to England and Wales, by the Registrar General for England and Wales with the approval of the Secretary of State: s 13(2) (amended by SI 2008/678). The Supply of Information (Register of Deaths) (England and Wales) Order 2008, SI 2008/570, has been made under head (4). A Registrar General may charge a reasonable fee in respect of the cost of supplying information under the 2006 Act s 13: s 13(3). The supply of information in the exercise of the power conferred by s 13(1) may be made subject to conditions, including in particular conditions as to (a) the use and storage of the information; (b) the period for which any record of the information may be retained; and (c) those to whom the information may be disclosed: s 13(4). Section 13 does not limit the circumstances in which information may be supplied apart from s 13: s 13(5). In s 13 'special police force' means (i) the Ministry of Defence Police; (ii) the British Transport Police Force; (iii) the Civil Nuclear Constabulary; or (iv) the Scottish Crime and Drug Enforcement Agency: s 13(6).

TEXT AND NOTE 3--Reference to the Chancellor of the Exchequer is now to the Secretary of State: Marriage Act 1949 s 74; Registration Service Act 1953 s 20; Births and Deaths Registration Act 1953 s 39; Industrial Diseases (Notification) Act 1981 s 1 (all amended by SI 2008/678).

NOTES 8, 14--Marriage Act 1949 s 74 amended: SI 2009/2821.

TEXT AND NOTE 25--Also, for the purpose of his functions under the Welfare Reform Act 2007 Pt 1 (ss 1-29) (see SOCIAL SECURITY AND PENSIONS vol 44(2) (Reissue) PARA 75A): 1992 Act s 125(1) (amended by Welfare Reform Act 2007 Sch 3 para 10(17)).

NOTE 19--1992 s 124(1) further amended: Welfare Reform Act 2007 Sch 3 para 10(16).

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/3. THE REGISTRATION SERVICE/(1) THE REGISTRAR GENERAL AND THE GENERAL REGISTER OFFICE/607. Custody of registers and indexes.

607. Custody of registers and indexes.

The Registrar General¹ is responsible for the custody of all certified copies of registers and records deposited at the General Register Office², and he must cause indexes of all certified copies of entries in register books sent to him to be made and kept at the General Register Office³, and all certified copies of entries given in the General Register Office to be sealed with the seal of that office⁴.

It is the duty of the Registrar General to furnish to every person on whom the duty of registering marriages is imposed, including marriage officers and service department registering officers abroad⁵, such number of marriage register books for making entries of marriages in the form prescribed and such number of forms for making certified copies of those entries as may be required⁶.

The Registrar General must also provide registers of live births, stillbirths⁷ and deaths and any of the forms for making certified copies of entries which may be required⁸, and must supply to every superintendent registrar⁹ suitable forms for the making of indexes of registers of live births and deaths¹⁰.

1 As to the Registrar General see PARAS 605-606 ante.

2 Births and Deaths Registration Act 1953 s 28(4); Marriage Act 1949 s 58(2) (respectively amended by the Transfer of Functions (Registration and Statistics) Order 1996, SI 1996/273, art 3(1), Sch 1 paras 8(a), 7(b)).

3 Marriage Act 1949 s 65(1); Births and Deaths Registration Act 1953 s 30(1). The Registrar General must cause an index of the adopted children register and of the parental order register to be made and kept at the General Register Office: see PARAS 509-510, 522 ante; and CHILDREN AND YOUNG PERSONS vol 5(3) (2008 Reissue) PARAS 107, 383. He must also cause an index to be made and kept there of the entries in the abandoned children register: see the Births and Deaths Registration Act 1953 s 30(1A) (as added); and PARA 522 ante. As to the General Register Office see PARAS 501-503, 605 ante.

4 Marriage Act 1949 s 65(3); Births and Deaths Registration Act 1953 s 34(6); Adoption Act 1976 s 50(3); Parental Orders (Human Fertilisation and Embryology) Regulations 1994, SI 1994/2767, reg 2, Sch 1 para 4(a); and see PARA 522 ante.

5 As to the registration of births, marriages and deaths abroad see PARAS 584-604 ante.

6 See the Marriage Act 1949 s 54(1); the Foreign Marriage Act 1892 s 17 (amended by the Foreign Marriage (Amendment) Act 1988 s 5(2)); and the Service Departments Registers Order 1959, SI 1959/406, art 2(2). As to the persons required to register the entries see the Marriage Act 1949 s 53 (as amended); and PARA 558 ante. See also ECCLESIASTICAL LAW. For the statutory provisions relating to marriages in naval and military and air force chapels see PARA 558 head (8) ante; and ECCLESIASTICAL LAW; MATRIMONIAL AND CIVIL PARTNERSHIP LAW vol 72 (2009) PARA 23.

7 For the meaning of 'birth' and 'stillbirth' see PARA 504 note 5 ante.

8 Births and Deaths Registration Act 1953 s 25: see PARA 538 ante.

9 As to superintendent registrars see PARA 610 post.

10 See the Births and Deaths Registration Act 1953 s 31(1). Strong fire-resisting boxes must also be provided by the Registrar General to hold the registers kept by each registrar of births and deaths and registrar of marriages: Registration Service Act 1953 s 12. As to the custody of registers see PARAS 520-521 ante.

UPDATE

607 Custody of registers and indexes

NOTE 2--1949 Act s 58(2) and 1953 Act s 28(4) further amended: SI 2008/678.

NOTE 6--SI 1959/406 art 2(2) amended: SI 2005/3186.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/3. THE REGISTRATION SERVICE/(1) THE REGISTRAR GENERAL AND THE GENERAL REGISTER OFFICE/608. Annual abstract.

608. Annual abstract.

The Registrar General must send to the Chancellor of the Exchequer annually a general abstract of the number of live births, stillbirths, deaths and marriages registered in the preceding year, and the Chancellor of the Exchequer must lay the abstract before each House of Parliament¹.

1 Registration Service Act 1953 s 19 (amended by virtue of the Transfer of Functions (Registration and Statistics) Order 1996, SI 1996/273, arts 3(1), 5(1), Sch 1 para 9(b), Sch 2 para 12). The Chancellor of the Exchequer must lay the abstract before each House of Parliament either within one month after its receipt or of the meeting of Parliament: Registration Service Act 1953 s 19 (as so amended). These general abstracts must include the statistical information compiled from (1) particulars furnished to registrars in England and Wales under the Population (Statistics) Act 1938 (see PARAS 626-627 post) on the registration of births, stillbirths and deaths registered in the last preceding year; and (2) certificates delivered to such registrars under the Births and Deaths Registration Act 1953 s 11 (as amended) (see PARAS 550-551 ante), on the registration of stillbirths so registered: Population (Statistics) Act 1960 s 4 (amended by the Registration of Births, Deaths and Marriages (Scotland) Act 1965 s 58(2), Sch 2; and by the Transfer of Functions (Registration and Statistics) Order 1996, SI 1996/273, Sch 2 para 14). The statistical reference volumes of the Registrar General are published annually by the Stationery Office Limited. As to the duties of the Registrar General in connection with the census of persons resident in Great Britain see PARA 630 post.

UPDATE

608 Annual abstract

TEXT AND NOTE 1--Reference to Registrar General is now to the Statistics Board (see PARA 605); references to the Chancellor of the Exchequer are now to the Minister for the Cabinet Office; and reference to marriages is now to marriages and civil partnerships: 1953 Act s 19 (amended by Statistics and Registration Service Act 2007 Sch 1 para 9; and SI 2005/3129).

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/3. THE REGISTRATION SERVICE/(2) REGISTRATION OFFICERS/609. The officers.

(2) REGISTRATION OFFICERS

609. The officers.

Without prejudice to any provision of the local scheme¹ as to additional officers, a superintendent registrar of births, deaths and marriages must be appointed for each district, and a registrar of births and deaths must be appointed for each sub-district². Any registrar of births and deaths upon whom the functions of registrar of marriages are conferred by any local scheme for the purposes of the Marriage Act 1949 is deemed to be a registrar of marriages within the district³. For the purposes of the Prevention of Corruption Act 1906 he is an agent of the Crown⁴.

1 For the meaning of 'local scheme' see PARA 606 note 10 ante; and as to such schemes see PARA 623 post.

2 Registration Service Act 1953 s 5(2). As to districts and sub-districts see PARA 619 post.

3 Ibid s 5(2).

4 See *R v Barrett* [1976] 3 All ER 895, [1976] 1 WLR 946, CA.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/3. THE REGISTRATION SERVICE/(2) REGISTRATION OFFICERS/610. Appointment and remuneration of superintendent registrars and registrars of births and deaths.

610. Appointment and remuneration of superintendent registrars and registrars of births and deaths.

Every superintendent registrar and every registrar of births and deaths must be appointed by the council of the non-metropolitan county or metropolitan district in which his district or sub-district is situated¹. However, if, on the occurrence of a vacancy in any office of superintendent registrar or registrar, the council refuses to fill the vacancy or, having been required by the Registrar General² to fill the vacancy within a period of not less than 28 days specified in the requirement, fails to do so, the appointment must be made by the Registrar General³. No person may be appointed as superintendent registrar or as registrar of births and deaths unless he is qualified in accordance with the prescribed conditions⁴. He must produce satisfactory evidence as to character⁵.

Every superintendent registrar and every registrar of births and deaths must be a salaried officer⁶ paid by the council of the non-metropolitan county or the metropolitan district in which his district or sub-district is situated and must at the prescribed times and in the prescribed manner account to the Registrar General for all fees received by or payable to him in respect of the execution of his duties⁷. A superintendent registrar or registrar must also, upon the direction of the Registrar General, pay to the council such sum as the Registrar General may certify to be due in respect of the fees⁸.

Every superintendent registrar and every registrar of births and deaths holds office during the pleasure of the Registrar General⁹. A superintendent registrar or a registrar may resign his office by giving to the proper officer¹⁰ such notice in writing as may have been determined at the time of his appointment; and at the same time he must inform the Registrar General accordingly¹¹.

1 Registration Service Act 1953 s 6(1) (amended by the Local Government Act 1972 s 251(2), Sch 29 para 41(2)). As to the Isles of Scilly see PARA 606 note 10 ante. The functions of registrar of marriages may be conferred upon a registrar of births and deaths by a local scheme: see the Registration Service Act 1953 s 13(2) (d); and PARA 623 post. For the meaning of 'local scheme' see PARA 606 note 10 ante. As to local schemes see PARAS 623-624 post. Officers already appointed at the commencement of the Registration Service Act 1953 (ie 1 October 1953) continued to hold office by virtue of s 22(1). The acting as registrar of births and deaths is prima facie evidence of proper appointment to the office: *R v Price* (1840) 3 Per & Dav 421.

2 As to the Registrar General see PARAS 605-606 ante.

3 Registration Service Act 1953 s 6(1) proviso. For the application of the Registration Service Act 1953 to London see PARA 606 note 10 ante.

4 Ibid s 6(2). 'Prescribed' means prescribed by regulations made under s 20 (as amended) (see PARA 606 ante): s 21(1). As to the prescribed condition see the text and note 5 infra.

5 Registration of Births, Deaths and Marriages Regulations 1968, SI 1968/2049, reg 4 (amended by SI 1995/744).

6 The salary and other remuneration, if any, to be attached to each office and the allowances, if any, to be paid for travelling, the provision of office accommodation and other expenses are fixed by the council of the non-metropolitan county or metropolitan district under its local scheme, but are subject to such power of revision as may be provided by the scheme: see the Registration Service Act 1953 s 13(2)(e). Breach of statutory duty by a registrar entitles the council to make appropriate deductions from his salary: *Miles v Wakefield Metropolitan District Council* [1987] AC 539, [1987] 1 All ER 1089, HL.

7 Ibid s 6(3)(a) (amended by the Local Government Act 1972 Sch 29 para 41(2)). See PARA 614 post. As to pensions for registration officers see the Local Government Pension Scheme Regulations 1997, SI 1997/1612, reg 4, Sch 2; the Local Government Pension Scheme (Transitional Provisions) Regulations 1997, SI 1997/1613. 'Registration officer' covers a deputy registrar who becomes an interim registrar by virtue of the Registration Service Act 1953 s 9 (as amended): *Re Local Government Superannuation Acts 1937 and 1939, Algar v Middlesex County Council* [1945] 2 All ER 243, DC. As to interim registrars see PARA 612 post.

8 Registration Service Act 1953 s 6(3)(b). See PARA 614 post.

9 Ibid s 6(4). As to registrars of marriages see PARA 611 note 6 post. As to the nature of a registrar's appointment see *Miles v Wakefield Metropolitan District Council* [1987] AC 539, [1987] 1 All ER 1089, HL.

10 'Proper officer' means the officer appointed by the council for the purposes of the Registration Service Act 1953: Registration of Births, Deaths and Marriages Regulations 1968, SI 1968/2049, reg 2(1) (definition of 'proper officer' substituted by SI 1974/571). 'Council', in relation to a district or sub-district, means the council of the non-metropolitan county, metropolitan district or borough in which the district or sub-district is situated and, in relation to an officer, means the council of the non-metropolitan county, metropolitan district or borough which contains the district or sub-district, as the case may be, within which he is authorised to act: Registration of Births, Deaths and Marriages Regulations 1968, SI 1968/2049, reg 2(1) (as so amended). 'Borough' means a London borough, and includes the City of London: reg 2(1) (as so amended).

11 Ibid reg 7(1) (amended by SI 1974/571).

UPDATE

610-612 Appointment and remuneration of superintendent registrars and registrars of births and deaths ... Deputies

Certain functions under provisions mentioned in these paragraphs are 'relevant functions' for the purposes of the Regulatory Enforcement and Sanctions Act 2008 s 4, Sch 3: see LOCAL GOVERNMENT vol 69 (2009) PARA 733.

610 Appointment and remuneration of superintendent registrars and registrars of births and deaths

TEXT AND NOTES--As from 1 December 2007, superintendent registrars and registrars of births and deaths became employees of the local authority by which they were appointed: see Statistics and Registration Service Act 2007 s 69.

NOTE 1--Registration Service Act 1953 s 22(1) repealed: Statute Law (Repeals) Act 2004.

TEXT AND NOTES 2, 3--1953 Act s 6(1) proviso repealed: Statistics and Registration Service Act 2007 s 70(2)(a), Sch 4 Pt 2.

TEXT AND NOTES 6-9--Reference to a salaried officer is now to an officer, and words 'and must ... pleasure of the Registrar General' omitted: 1953 Act s 6(3) amended, s 6(4) repealed, by Statistics and Registration Service Act 2007 s 70(2)(b), (c), Sch 4 Pt 2.

NOTE 7--SI 1997/1612 reg 4, Sch 2 revoked: SI 2008/238. See now Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007, SI 2007/1166 (see LOCAL GOVERNMENT vol 69 (2009) PARA 448) and the Local Government Pension Scheme (Administration) Regulations 2008, SI 2008/239, reg 4, Sch 2.

NOTE 9--*Miles*, cited, followed in *Lincolnshire CC v Hopper* [2002] All ER (D) 401 (May), EAT (employment tribunal has no jurisdiction to hear a registrar's claim of unfair dismissal since a registrar is an office holder, not an employee).

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/3. THE REGISTRATION SERVICE/(2) REGISTRATION OFFICERS/611. Appointment and remuneration of additional registrars of marriages.

611. Appointment and remuneration of additional registrars of marriages.

The Registrar General¹ may from time to time, and a superintendent registrar² may with the approval of the Registrar General, by writing appoint any person who is qualified in accordance with the prescribed conditions³ to be registrar of marriages within the district⁴ of any superintendent registrar or, as the case may be, within the district of the appointing superintendent registrar, in addition to any registrar of births and deaths upon whom the functions of a registrar of marriages have been conferred by the local scheme⁵. Any person appointed under these provisions holds office during the pleasure of the Registrar General, if appointed by him, or during the pleasure of the superintendent registrar appointing him, but in the latter case he is removable by the Registrar General⁶.

A registrar of marriages so appointed is entitled to retain any fees received by or payable to him under the Marriage Act 1949⁷ in respect of the execution of his duties under that Act⁸. However, he must account to the Registrar General for, and pay to the council of the non-metropolitan county or metropolitan district⁹ in the area of which the registration district for which he acts is situated, so much of the aggregate sum of such fees as the Registrar General may certify to represent one-third part of that sum less such deductions as the Registrar General may allow as remuneration to him for the trouble and expense of collecting and accounting for that one-third part¹⁰.

1 As to the Registrar General see PARAS 605-606 ante.

2 As to superintendent registrars see PARA 610 ante.

3 For the meaning of 'prescribed' see PARA 610 note 4 ante. As to the prescribed qualifications see PARAS 610 text and note 5 ante, 613 post.

4 As to registration districts see PARA 619 post.

5 Registration Service Act 1953 s 7(1). For the meaning of 'local scheme' see PARA 606 note 10 ante.

6 Ibid s 7(2). As to the nature of a registrar's appointment see *Miles v Wakefield Metropolitan District Council* [1987] AC 539, [1987] 1 All ER 1089, HL.

7 As to the fees under the Marriage Act 1949 see the Registration of Births, Deaths and Marriages (Fees) Order 1997, SI 1997/2939, art 2, Schedule.

8 Registration Service Act 1953 s 7(3) (amended by the Local Government Act 1972 s 251(2), Sch 29 para 41(2)).

9 For the meaning of 'district' in relation to London see PARA 606 note 10 ante.

10 Registration Service Act 1953 s 7(3) proviso (as amended: see note 8 supra).

UPDATE

610-612 Appointment and remuneration of superintendent registrars and registrars of births and deaths ... Deputies

Certain functions under provisions mentioned in these paragraphs are 'relevant functions' for the purposes of the Regulatory Enforcement and Sanctions Act 2008 s 4, Sch 3: see LOCAL GOVERNMENT vol 69 (2009) PARA 733.

611 Appointment and remuneration of additional registrars of marriages

TEXT AND NOTES--Repealed: Statistics and Registration Service Act 2007 s 72, Sch 4 Pt 2.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/3. THE REGISTRATION SERVICE/(2) REGISTRATION OFFICERS/612. Deputies.

612. Deputies.

Subject to the provisions of the local scheme¹, every superintendent registrar and every registrar² of births and deaths must, and any registrar of marriages may, from time to time by writing under his hand appoint, subject to the approval of the Registrar General³, one or more fit persons to act as his deputy in the case of illness or unavoidable absence or in any prescribed case⁴, and while so acting any person so appointed has all the powers and duties of a superintendent registrar or registrar as the case may be⁵. Subject to the provisions of the local scheme, the superintendent registrar or registrar is civilly responsible for any act or omission of his deputy, who holds office during the pleasure of the appointing officer but is removable by the Registrar General⁶. When a deputy to a superintendent registrar or to a registrar ceases to hold office, the superintendent registrar or the registrar, as the case may be, must inform the proper officer⁷ and the Registrar General⁸.

If a superintendent registrar or registrar of births and deaths ceases to hold office, his deputy⁹ becomes interim superintendent registrar or interim registrar of births and deaths as the case may be¹⁰ with all the powers and duties of his office until a new superintendent registrar or new registrar of births and deaths enters into office¹¹.

1 For the meaning of 'local scheme' see PARA 606 note 10 ante.

2 As to superintendent registrars and registrars see PARA 610 ante.

3 As to the Registrar General see PARAS 605-606 ante.

4 For the meaning of 'prescribed' see PARA 610 note 4 ante. The mode of appointment is not prescribed.

5 Registration Service Act 1953 s 8(1). He may in the absence of his principal perform any of the duties of his principal, notwithstanding that his absence may not be unavoidable or occasioned by illness: Registration of Births, Deaths and Marriages Regulations 1968, SI 1968/2049, reg 6(1). He may, while his principal is performing any duties of his office, perform any of the duties of his principal which are not reserved to the principal under the local scheme: reg 6(2). When a deputy has acted continuously as such for one month in the absence of the principal he must make a report of the fact to the Registrar General stating to the best of his ability the circumstances to which his principal's absence from duty is due and when he expects him to resume his duties: reg 6(3).

6 Registration Service Act 1953 s 8(2).

7 For the meaning of 'proper officer' see PARA 610 note 10 ante.

8 Registration of Births, Deaths and Marriages Regulations 1968, SI 1968/2049, reg 7(2) (amended by SI 1974/571).

9 If there is more than one deputy, such deputy becomes interim superintendent registrar or registrar of births and deaths as the proper officer of the non-metropolitan county or the metropolitan district within the area of which the district of the superintendent registrar or sub-district of the registrar is situated determines: see the Registration Service Act 1953 s 9(1) (amended by the Local Government Act 1972 s 251(2), Sch 29 para 41). If there is no deputy the proper officer must appoint an interim superintendent or registrar of births and deaths as the case may be: Registration Service Act 1953 s 9(2) (as so amended). As to the application of the Registration Service Act 1953 s 9 (as amended) to London see PARA 606 note 10 ante.

10 Ibid s 9(1) (as amended: see note 9 supra).

11 Ibid s 9(3).

UPDATE

610-612 Appointment and remuneration of superintendent registrars and registrars of births and deaths ... Deputies

Certain functions under provisions mentioned in these paragraphs are 'relevant functions' for the purposes of the Regulatory Enforcement and Sanctions Act 2008 s 4, Sch 3: see LOCAL GOVERNMENT vol 69 (2009) PARA 733.

612 Deputies

TEXT AND NOTES--As from 1 December 2007, deputy superintendent registrars and deputy registrars of births and deaths became employees of the local authority by which they were appointed: see Statistics and Registration Service Act 2007 s 69.

TEXT AND NOTES 1-6--Replaced. Subject to the provisions of the local scheme, a council which employs a superintendent registrar or a registrar of births and deaths may appoint one or more fit persons to act as his deputy; and any person so appointed has all the powers and duties of a superintendent registrar or a registrar of births and deaths, as the case may be: Registration Service Act 1953 s 8 (substituted by Statistics and Registration Service Act 2007 s 71).

NOTES 5, 8--SI 1968/2049 reg 6 substituted, reg 7 revoked: SI 2007/3391.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/3. THE REGISTRATION SERVICE/(2) REGISTRATION OFFICERS/613. Disqualification from appointment.

613. Disqualification from appointment.

A person is not qualified for appointment to a registration office¹ if:

- 238 (1) he has been declared bankrupt and has not subsequently obtained his discharge, or he has made any composition or arrangement with his creditors and has not subsequently paid his debts in full or obtained a certificate of discharge²;
- 239 (2) he has been dismissed from any office by the Registrar General³ and the Registrar General does not consent to the appointment⁴;
- 240 (3) he is or has been a member of the council or of a committee of the council having duties in relation to the appointment of registration officers during the 12 months preceding the date on which the appointment is to take effect⁵;
- 241 (4) he holds any office as authorised person⁶, secretary (for marriages) of a synagogue⁷ or registering officer of the Society of Friends⁸;
- 242 (5) he is a minister of religion, a registered medical practitioner⁹, a registered midwife¹⁰, an undertaker or other person concerned in a burial or cremation business, a person engaged in any business concerned with life insurance or a person engaged in any other calling which would conflict with or prevent the proper performance in person of the duties of the office for which he is a candidate¹¹; or
- 243 (6) he is an officer or servant of the council appointed by it to exercise the functions of the proper officer¹².

A person is not qualified for appointment as superintendent registrar if he holds office as a registrar or any deputy registration office except the office of deputy superintendent registrar¹³. Nor is a person qualified for appointment as registrar if he holds office as a superintendent

registrar or is a coroner¹⁴ or is an officer or servant of a local authority employed by it in the performance of duties relating to its functions as a burial authority¹⁵.

- 1 'Registration office' means the office of superintendent registrar, registrar of births and deaths or registrar of marriages: Registration of Births, Deaths and Marriages Regulations 1968, SI 1968/2049, reg 2(1). As to superintendent registrars and registrars see PARA 610.
- 2 Ibid reg 5(a)(i).
- 3 As to the Registrar General see PARAS 605-606 ante.
- 4 Registration of Births, Deaths and Marriages Regulations 1968, SI 1968/2049, reg 5(a)(ii).
- 5 Ibid reg 5(a)(iii).
- 6 As to the meaning of 'authorised person' see MATRIMONIAL AND CIVIL PARTNERSHIP LAW vol 72 (2009) PARA 107.
- 7 For the meaning of 'secretary of a synagogue' see PARA 520 note 5 ante.
- 8 Registration of Births, Deaths and Marriages Regulations 1968, SI 1968/2049, reg 5(a)(iv) (renumbered by SI 1974/571). For the meaning of 'registering officer of the Society of Friends' see PARA 520 note 4 ante.
- 9 As to the meaning of 'registered medical practitioner' see MEDICAL PROFESSIONS vol 30(1) (Reissue) PARA 4.
- 10 As to the meaning of 'registered midwife' see MEDICAL PROFESSIONS vol 30(1) (Reissue) PARA 717.
- 11 Registration of Births, Deaths and Marriages Regulations 1968, SI 1968/2049, reg 2(1) (definition of 'midwife' substituted by SI 1985/1133); Registration of Births, Deaths and Marriages Regulations 1968, SI 1968/2049, reg 5(a)(v) (renumbered by SI 1974/571).
- 12 Registration of Births, Deaths and Marriages Regulations 1968, SI 1968/2049, reg 5(a)(vi) (substituted by SI 1974/571).
- 13 Registration of Births, Deaths and Marriages Regulations 1968, SI 1968/2049, reg 5(b) (amended by SI 1992/2753).
- 14 'Coroner' includes a deputy coroner and an assistant deputy coroner: Registration of Births, Deaths and Marriages Regulations 1968, SI 1968/2049, reg 2(1).
- 15 Ibid reg 5(c) (amended by SI 1974/571).

UPDATE

613 Disqualification from appointment

TEXT AND NOTE 2--Now, has not subsequently obtained his discharge, or he is the subject of a bankruptcy restrictions order or an interim order: SI 1968/2049 reg 5(a)(i) (amended by SI 2006/1722).

TEXT AND NOTES 3, 4--Head (2) omitted: SI 2007/3391.

TEXT AND NOTE 12--For 'to exercise the functions of' read 'as': SI 1968/2049 reg 5(a)(vi) (amended by SI 2007/1422).

TEXT AND NOTE 13--Words 'or any deputy ... superintendent registrar' omitted: SI 1968/2049 reg 5(b) (amended by SI 2007/1422).

614. Conduct of officers.

Except with the express authority of the Registrar General¹, no officer² may publish or communicate to any person, otherwise than in the ordinary course of the performance of his official duties, any information acquired by him while performing those duties³. He must comply with any instruction or direction, whether particular or general, given to him by the Registrar General in any matter relating to the due performance by the officer of his duties in the execution of any enactment relating to his functions which is not a matter for which specific provision is made⁴.

A registrar must not register a birth, stillbirth⁵ or death of which he is an informant, or a marriage to which he is a party or a witness⁶. A person who holds jointly the offices of registrar and deputy superintendent registrar⁷ must not perform any duties of the superintendent registrar in relation to any duties which he performs as registrar⁸.

An officer, if authorised by the proper officer⁹ in a particular case, may comply with an application made to him for any purpose for which a fee is payable under any enactment notwithstanding that the fee or, in the case of a non-salaried officer, so much of the fee as is payable by him to the council¹⁰, has not been paid to him and, if so directed by the proper officer in the particular case, he must not refuse to comply with such an application on the ground that the fee or, in the case of a non-salaried officer, so much of the fee as is payable by him to the council has not been paid to him¹¹. Except as so provided, an officer must refuse to comply with an application until the fee chargeable has been paid to him or, if he is a non-salaried officer, so much of the fee as is payable by him to the council¹². In any case where an officer complies with an application without prior payment of the fee or, as the case may be, so much of the fee as is payable by him to the council, he must report the circumstances to the council within seven days thereafter and must, on receiving from the council an indemnity in respect of all costs and expenses which he may incur, take such steps as the council may require to recover the fee or, as the case may be, so much of the fee as is payable by him to them¹³.

A principal officer¹⁴ must, within 14 days after the expiration of the period of 12 months ending on 31 March each year, render to the Registrar General on a form provided by him for the purpose an account of all fees or parts of fees for which the officer is required under any enactment to account to the Registrar General in respect of that period¹⁵. A principal officer must also submit any special account which the Registrar General may require with respect to those fees¹⁶.

Every officer must submit all books and forms in his possession to inspection by any person authorised in that behalf by the Registrar General, and must if so required by the Registrar General give him a statement as to the books and forms in his possession¹⁷.

1 As to the Registrar General see PARAS 605-606 ante.

2 'Officer' means a superintendent registrar, a registrar, a deputy officer or an interim officer; 'deputy officer' means a deputy superintendent registrar, a deputy registrar of births and deaths or a deputy registrar of marriages; and 'interim officer' means an interim superintendent registrar or an interim registrar of births and deaths. 'Registrar' means a registrar of births and deaths or a registrar of marriages: Registration of Births, Deaths and Marriages Regulations 1968, SI 1968/2049, reg 2(1).

3 Ibid reg 10(2).

4 Ibid reg 10(3).

5 For the meaning of 'birth' and 'stillbirth' see PARA 504 note 5 ante.

- 6 Registration of Births, Deaths and Marriages Regulations 1968, SI 1968/2049, reg 9(1). See PARAS 541 note 7, 561 note 5, 558 note 12 ante. For the meaning of 'registrar' see PARA 505 note 4 ante.
- 7 As to superintendent registrars and deputies see PARAS 610, 612 ante.
- 8 Registration of Births, Deaths and Marriages Regulations 1968, SI 1968/2049, reg 9(2).
- 9 For the meaning of 'proper officer' see PARA 610 note 10 ante.
- 10 For the meaning of 'council' see PARA 610 note 10 ante.
- 11 Registration of Births, Deaths and Marriages Regulations 1968, SI 1968/2049, reg 85(1) (amended by SI 1974/571). The proper officer may delegate his duties under this provision, so far as they relate to applications made to a registrar, to the superintendent registrar within whose district that registrar has been appointed to act: Registration of Births, Deaths and Marriages Regulations 1968, SI 1968/2049, reg 85(2) (as so amended). As to registration districts see PARA 619 post.
- 12 Ibid reg 86(1); and see the Registration Service Act 1953 s 16.
- 13 Registration of Births, Deaths and Marriages Regulations 1968, SI 1968/2049, reg 86(2).
- 14 'Principal officer' means an officer other than a deputy officer: ibid reg 2(1).
- 15 Ibid reg 87(1) (amended by SI 1996/2052, with a transitional modification in relation to the period ending on 31 March 1997).
- 16 Registration of Births, Deaths and Marriages Regulations 1968, SI 1968/2049, reg 87(2).
- 17 Ibid reg 12.

UPDATE

614 Conduct of officers

TEXT AND NOTE 8--A person who holds jointly the offices of superintendent registrar and deputy registrar must not perform any of the duties of the superintendent registrar in relation to any duties which he performs as deputy registrar: SI 1968/2049 reg 9(3) (added by SI 2007/1442).

TEXT AND NOTES 9-11--SI 1968/2049 reg 85 substituted: SI 2007/3391.

TEXT AND NOTES 12, 13--SI 1968/2049 reg 86 substituted: SI 2007/3391.

TEXT AND NOTES 15, 16--SI 1968/2049 reg 87 revoked: SI 2007/3391.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/3. THE REGISTRATION SERVICE/(2) REGISTRATION OFFICERS/615. Cessation of office.

615. Cessation of office.

When any person ceases to hold the office of superintendent registrar, registrar of births and deaths or registrar of marriages¹ for any district or sub-district², all register boxes, keys, books and documents in his possession as holder of that office for that district or sub-district must be delivered up to his successor in office or, if there is no successor, to a person designated by the Registrar General³. Any person who, having in his custody or power any of these articles, wilfully fails to deliver it up to, or account for it to the satisfaction of, the person in whose custody it should be, is liable on summary conviction to a fine of level 2 on the standard scale⁴.

If a justice of the peace is satisfied by information on oath that there is reasonable cause to believe that any article withheld in contravention of these provisions is in any specified house or place, he may grant a search warrant authorising any constable names in it to enter and search that house or place at any time and to seize any such article so found, and any article seized must be delivered to the person in whose custody it should be⁵.

1 As to registrars and superintendent registrars see PARAS 609-611 ante.

2 As to registration districts and sub-districts see PARA 619 post.

3 Registration Service Act 1953 s 15(1). As to the Registrar General see PARAS 605-606 ante.

4 Ibid s 15(2) (amended by the Criminal Law Act 1977 s 31(5), (6); and by virtue of the Criminal Justice Act 1982 s 46). If the failure continues after the person is convicted, he is guilty of a further offence and liable on summary conviction to a fine of £5 for each day on which the offence continues: Registration Service Act 1953 s 15(2). However, the fine must not be calculated by reference to a period of more than six months before the information was laid: see *R v Slade, ex p Saunders* [1895] 2 QB 247, DC; *R v Struve etc Glamorganshire Justices* (1895) 59 JP 584, DC. As to the standard scale see PARA 528 note 2 ante.

5 Registration Service Act 1953 s 15(3) (modified to exclude items subject to legal privilege and certain other material by the Police and Criminal Evidence Act 1984 s 9(2): see CRIMINAL LAW, EVIDENCE AND PROCEDURE vol 11(2) (2006 Reissue) PARA 874).

UPDATE

615 Cessation of office

TEXT AND NOTE 3--Words 'or, if ... General' omitted: Registration Service Act 1953 s 15(1) (amended by Statistics and Registration Service Act 2007 s 70(4), Sch 4 Pt 2).

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/3. THE REGISTRATION SERVICE/(2) REGISTRATION OFFICERS/616. Returns to local education and health authorities.

616. Returns to local education and health authorities.

A registrar of births and deaths or a superintendent registrar¹ must supply to a local education authority² such particulars of the entries contained in any register of births and deaths in his custody, and in such form, as the authority may from time to time require³.

Each registrar of births and deaths must also furnish to the health authority the area of which includes the whole or part of his sub-district⁴ such particulars of each birth and death which occurred in the authority's area as are entered in the register of births or deaths kept for that sub-district⁵. The particulars must be furnished in writing and sent not later than 14 days from the date on which they are entered in a register of births and deaths⁶.

1 See the Education Act 1996 s 564(4). As to registrars and superintendent registrars see PARAS 609-610 ante.

2 As to local education authorities see EDUCATION vol 15(1) (2006 Reissue) PARA 20 et seq.

3 Education Act 1996 s 564(3); and see EDUCATION vol 15(1) (2006 Reissue) PARA 15.

4 As to registration sub-districts see PARA 619 post.

5 See the National Health Service Act 1977 s 124(2) (amended by the Health Services Act 1980 s 1(7), Sch 1 para 75(a); and by the Health Authorities Act 1995 s 2(1), Sch 1 paras 1, 55(a)); and HEALTH SERVICES vol 54 (2008) PARA 135.

6 See the National Health Service (Notification of Births and Deaths) Regulations 1982, SI 1982/286, reg 5 (modified by the Health Authorities Act 1995 (Amendment of Transitional Provisions and Modification of References) Order 1996, SI 1996/971, art 3(2)); and HEALTH SERVICES vol 54 (2008) PARA 135.

UPDATE

616 Returns to local education and health authorities

TEXT AND NOTE 4--In relation to Wales, references to a health authority are to be treated as references to a local health board: see the References to Health Authorities Order 2007, SI 2007/961.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/3. THE REGISTRATION SERVICE/(2) REGISTRATION OFFICERS/617. Notification of deaths for social security purposes.

617. Notification of deaths for social security purposes.

Regulations may provide that it is to be duty of each registrar of births and deaths to furnish the Secretary of State¹, for the purpose of his functions under the Social Security Contributions and Benefits Act 1992, the Social Security Administration Act 1992, the Jobseekers Act 1995 and the Social Security (Recovery of Benefits) Act 1997, with the prescribed particulars of such deaths as may be prescribed². The regulations may make provision as to the manner in which and times at which the particulars are to be furnished³.

In respect of deaths occurring in England or Wales, it is the duty of each registrar of births and deaths, in relation to deaths registered by him, to furnish the Secretary of State with the specified particulars of the death of a person, or as many of such particulars as are available to him, as soon as it is reasonably practicable to do so⁴. The specified particulars are:

- 244 (1) the surname and forenames of the deceased;
- 245 (2) the date and place of death;
- 246 (3) the sex of the deceased;
- 247 (4) the maiden surname of a deceased married, widowed or divorced woman;
- 248 (5) the date and place of birth of the deceased;
- 249 (6) the occupation of the deceased;
- 250 (7) the usual address of the deceased at the date of death⁵.

Those particulars must be furnished either in writing or on data material⁶.

1 I.e the Secretary of State for Social Security: see SOCIAL SECURITY AND PENSIONS vol 44(2) (Reissue) PARA 1.

2 Social Security Administration Act 1992 s 125(1) (amended by the Jobseekers Act 1995 s 41(4), Sch 2 para 60; and the Social Security (Recovery of Benefits) Act 1997 s 33(1), Sch 3 para 5).

3 Social Security Administration Act 1992 s 125(2). At the date at which this volume states the law, no such regulations had been made; but, by virtue of the Social Security (Consequential Provisions) Act 1992 s 2(2), the Social Security (Notification of Deaths) Regulations 1987, SI 1987/250, have effect as if so made. See the text and notes 4-6 infra.

4 See *ibid* reg 3.

5 *Ibid* reg 3, Sch 1.

6 See *ibid* reg 5. 'Data material' has the same meaning as in the Data Protection Act 1984 s 41 (repealed): Social Security (Notification of Deaths) Regulations 1987, SI 1987/250, reg 1(2).

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617 Notification of deaths for social security purposes

TEXT AND NOTE 2--1992 Act s 125(1) further amended: Welfare Reform Act 2007 Sch 3 para 10(17).

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/3. THE REGISTRATION SERVICE/(2) REGISTRATION OFFICERS/618. Quarterly returns of certified copies.

618. Quarterly returns of certified copies.

Every registrar of births and deaths, and every person on whom the duty of registering marriages is imposed¹, must make, certify and deliver to the superintendent registrar², in the months of January, April, July and October³ of each year, a true copy of all the entries⁴ of live births, stillbirths⁵, deaths and marriages in the register books kept by him during the period of three months ending with the last day of the month immediately preceding the month in which the copy is required⁶. If no entry has been made during that period, a certificate to that effect must be delivered to the superintendent registrar⁷.

Where a certified copy is delivered to the superintendent registrar under these provisions, he must verify the copy and, if the copy is found to be correct, must certify it under his hand to be a true copy⁸. Where a certificate that there have been no registrations is so delivered, the superintendent registrar must countersign the certificate⁹.

Four times a year on such days as may be appointed by the Registrar General, every superintendent registrar must send to the Registrar General all certified copies of entries in the register books which he has received during the three preceding months¹⁰. If it appears¹¹ that the copy of any part of any register book has not been duly delivered to him, the superintendent registrar must as far as possible¹² procure that the deficiency is remedied¹³.

The certified copies sent to the Registrar General must be kept in the General Register Office¹⁴ in such order and manner as, under the direction of the Chancellor of the Exchequer, the Registrar General thinks fit¹⁵.

1 See the Marriage Act 1949 s 57(1). As to the persons who have a duty to register marriages see PARA 558 ante.

2 An incumbent or authorised person required to deliver a certified copy of entries in the marriage register book or a certificate that there have been no entries, if such is the case, may deliver such copy or certificate to any registrar who is under the superintendence of the superintendent registrar concerned for delivery to him: *ibid* s 57(3). A registrar may be directed by his superintendent registrar to collect the certified copies quarterly, or more often, if the superintendent registrar thinks fit or is so ordered by the Registrar General: s 57(3). As to registrars and superintendent registrars see PARAS 609-611 ante.

3 The days on which the copies or certificates are required to be delivered by registrars are appointed by the Registrar General: *ibid* s 57(2); Births and Deaths Registration Act 1953 s 26(1). As to the Registrar General see PARAS 605-606 ante.

4 If the original entry in a marriage register has been altered under the Marriage Act 1949 s 61 (see PARA 519 ante), the certified copy must be altered in like manner, and if the certified copy has already been delivered to the superintendent registrar the person authorised to make the alteration must make and deliver to the superintendent registrar a separate certified copy of the original erroneous entry and the marginal entry made in it: see s 61(4).

5 For the meaning of 'birth' and 'stillbirth' see PARA 504 note 5 ante.

6 Marriage Act 1949 s 57(1)(a); Births and Deaths Registration Act 1953 s 26(1)(a). For the prescribed form for certification of copies of marriage entries see the Registration of Marriages Regulations 1986, SI 1986/1442, regs 2(2)(b), 18(a), Sch 1, Form 14. For the prescribed form of certification of copies of live births, stillbirth and death entries see the Registration of Births and Deaths Regulations 1987, SI 1987/2088, regs 2(2)(b), 71(a), Sch 2, Form 23. For the offences of failing or refusing to make and deliver certified copies or a certificate of marriage see the Marriage Act 1949 s 76(2) (as amended); and PARA 530 ante. Every incumbent and authorised person is entitled to receive from the superintendent registrar £2 for every entry contained in the certified copy of entries in the marriage register books: Marriage Act 1949 s 57(4) (amended by the Registration of Births, Deaths and Marriages (Fees) Order 1997, SI 1997/2939, art 2, Schedule); and see ECCLESIASTICAL LAW; MATRIMONIAL AND CIVIL PARTNERSHIP LAW. The superintendent registrar is reimbursed (1) in the case of a registration district in the City of London, the Inner Temple and the Middle Temple, by the Common Council of the City of London; (2) in any other case, by the council of the non-metropolitan county, metropolitan district or London borough in which his registration district is situated: Marriage Act 1949 s 57(4) (amended by the Local Government Act 1972 s 251(2), Sch 29 para 40). As to registration districts and sub-districts see PARA 619 post.

7 See the Marriage Act 1949 s 57(1)(b); and the Births and Deaths Registration Act 1953 s 26(1)(b). For the prescribed form of certificate that no marriage has been registered see the Registration of Marriages Regulations 1986, SI 1986/1442, reg 18(b), Sch 1, Form 15; and for the prescribed form of certificate that no birth, stillbirth or death has been registered in a sub-district during a period see the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 71(b), Sch 2, Form 24.

8 See the Marriage Act 1949 s 57(5); and the Births and Deaths Registration Act 1953 s 26(2).

9 See *ibid* s 26(2); and the Marriage Act 1949 s 57(5).

10 See *ibid* s 58(1); and the Births and Deaths Registration Act 1953 s 27.

11 *Ie* in the case of marriage books, by interruption of the regular progression of numbers or otherwise: see the Marriage Act 1949 s 58(1).

12 *Ie* consistently with the provisions of *ibid* Pt IV (ss 53-67) (as amended) or of the Births and Deaths Registration Act 1953, as the case may be: see the Marriage Act 1949 s 58(1); and the Births and Deaths Registration Act 1953 s 27.

13 See *ibid* s 27; and the Marriage Act 1949 s 58(1).

14 As to the General Register Office see PARAS 501-503, 605 ante.

15 Marriage Act 1949 s 58(2) (amended by the Transfer of Functions (Registration and Statistics) Order 1996, SI 1996/273, arts 3(1), 5(1), Sch 1 para 7(b), Sch 2 para 11); Births and Deaths Registration Act 1953 s 28(4) (amended by virtue of the Transfer of Functions (Registration and Statistics) Order 1996, SI 1996/273, Sch 1 para 8(a), Sch 2 para 12); and see PARA 521 note 3 ante.

UPDATE

618-625 Quarterly returns of certified copies ... Contents of local schemes

Certain functions under provisions mentioned in these paragraphs are 'relevant functions' for the purposes of the Regulatory Enforcement and Sanctions Act 2008 s 4, Sch 3: see LOCAL GOVERNMENT vol 69 (2009) PARA 733.

618 Quarterly returns of certified copies

TEXT AND NOTES--These provisions have been modified to permit the electronic communication and storage of copies of entries in the registers of birth and deaths: 1953 Act ss 26, 27, 28(4) (modified by SI 2006/2809; and SI 2009/2821).

NOTE 6--SI 1997/2939 now replaced by Registration of Births, Deaths and Marriages (Fees) Order 2002, SI 2002/3076, Schedule.

NOTES 6, 7--The duty imposed by the Marriage Act 1949 s 57(1) may now be discharged by making a copy in the approved electronic form of each entry in the marriage register book: Marriage Act 1949 s 57(2A)-(2C) (added by SI 2009/2821).

NOTE 8--Provision is now made for where the superintendent registrar has received a certified copy of an electronic form: Marriage Act 1949 s 57(5A), (5B) (added by SI 2009/2821).

NOTES 10-13--The duty imposed by the Marriage Act 1949 s 58(1) may now be discharged by making a copy in the approved electronic form of each entry in the marriage register book: Marriage Act 1949 s 58(2A)-(2B) (added by SI 2009/2821).

TEXT AND NOTE 15--Reference to the Chancellor of the Exchequer is now to the Secretary of State: Marriage Act 1949 s 58(2); Births and Deaths Registration Act 1953 s 28(4) (further amended by SI 2008/678).

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/3. THE REGISTRATION SERVICE/(3) ORGANISATION/(i) In general/619. Registration districts and sub-districts.

(3) ORGANISATION

(i) In general

619. Registration districts and sub-districts.

For the purposes of the Registration Acts¹ there is in every non-metropolitan county and metropolitan district² one or more registration districts and in each such district one or more registration sub-districts³. There must be in force for each non-metropolitan county and metropolitan district a local scheme which must provide for, among other things, the location of register offices and stations for those districts and sub-districts⁴.

¹ For the meaning of 'the Registration Acts' see PARA 501 note 3 ante.

² For the meaning of 'non-metropolitan county' and 'metropolitan district' see the Registration Service Act 1953 s 21(2)(b) (as amended); and PARA 606 note 10 ante. As to the Isles of Scilly see PARAS 606 note 10 ante, 622 post.

³ Ibid s 5(1) (amended by the Local Government Act 1972 s 251(2), Sch 29 para 41(1)).

⁴ Registration Service Act 1953 s 13(1), (2)(b) (amended by the Local Government Act 1972 Sch 29 para 41(1)). As to local schemes see PARA 623 post. As to register offices not locally situated see PARA 620 note 6 post.

UPDATE

618-625 Quarterly returns of certified copies ... Contents of local schemes

Certain functions under provisions mentioned in these paragraphs are 'relevant functions' for the purposes of the Regulatory Enforcement and Sanctions Act 2008 s 4, Sch 3: see LOCAL GOVERNMENT vol 69 (2009) PARA 733.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/3. THE REGISTRATION SERVICE/(3) ORGANISATION/(i) In general/620. District register offices.

620. District register offices.

The council of every non-metropolitan county and every metropolitan district¹ must provide and maintain for the superintendent registrar² of each district³ a register office according to a plan approved by the Registrar General⁴ and must provide in that register office a suitable fireproof repository or strong fire-resisting boxes to the satisfaction of the Registrar General for the safe custody of the records in the charge of the superintendent registrar⁵.

For any period during which a register office is not so provided, the superintendent registrar must appropriate some fit room to be approved by the Registrar General as a temporary register office, for which the council must pay him a reasonable rent⁶.

1 For the meaning of 'non-metropolitan county' and 'metropolitan district' see the Registration Service Act 1953 s 21(2)(b) (as amended); and PARA 606 note 10 ante. As to the Isles of Scilly see PARAS 606 note 10 ante, 622 post.

2 As to superintendent registrars see PARAS 609-610 ante.

3 As to registration districts see PARA 619 ante.

4 As to the Registrar General see PARAS 605-606 ante.

5 Registration Service Act 1953 s 10(1) (amended by the Local Government Act 1972 s 251(2), Sch 29 para 41(1), (2)).

6 Registration Service Act 1953 s 10(2). If by reason of the refusal or neglect of the council a register office is not provided or is not maintained or kept in repair, the Registrar General, if so authorised by the Treasury, may expend up to £300 in providing an office or any sum necessary for repairing or maintaining an office and any sum so expended must be repaid to the Registrar General by the council: Registration Service Act 1953 s 10(3) (as so amended). The register office for any district is deemed for the purposes of the Registration Acts (as to which see PARA 501 note 3 ante) to be situated within that district even if it is not locally situated in it: Registration Service Act 1953 s 10(4).

UPDATE

618-625 Quarterly returns of certified copies ... Contents of local schemes

Certain functions under provisions mentioned in these paragraphs are 'relevant functions' for the purposes of the Regulatory Enforcement and Sanctions Act 2008 s 4, Sch 3: see LOCAL GOVERNMENT vol 69 (2009) PARA 733.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/3. THE REGISTRATION SERVICE/(3) ORGANISATION/(i) In general/621. Sub-district offices.

621. Sub-district offices.

Subject to the provisions of the local scheme¹, every registrar and deputy registrar² of births and deaths must either dwell in or have a known office within his sub-district³, and every registrar of births and deaths must appoint within or contiguous to his sub-district such stations, if any, as may be directed by the Registrar General⁴. Subject again to the provisions of the local scheme, every registrar and deputy registrar must attend at his dwelling house or office and at any such station on such days and at such hours as may be approved by the Registrar General for the purpose of registering births and deaths⁵.

A superintendent registrar must from time to time, at such intervals as he may with the approval of the proper officer⁶ think fit, cause to be printed a list of the principal officers⁷ holding office within his district, stating their names, head offices and stations and their days and hours of attendance, and must furnish two copies of the list to the Registrar General and one copy each to:

- 251 (1) the superintendent registrar of each district adjoining his district;
- 252 (2) the chief officer of every hospital in the district;
- 253 (3) the chief officer of every police station in the district;
- 254 (4) every coroner⁸ having jurisdiction in the district;
- 255 (5) the council of every non-metropolitan district, parish and community wholly or partly situated in the district;
- 256 (6) every registered medical practitioner⁹ and registered midwife¹⁰ practising in the district; and
- 257 (7) such other persons or bodies as he may consider expedient for the convenience of the public;

and in the event of any changes in the list he must notify the change to the persons to whom the list has been supplied¹¹.

A superintendent registrar and a registrar of births and deaths must cause to be exhibited and maintained outside his office and out-stations (if any) a notice stating his name, his official description, the name of his district or sub-district and the hours when his office and out-stations (if any) are open to the public¹².

1 For the meaning of 'local scheme' see PARA 606 note 10 ante.

2 As to registrars and deputy registrars see PARAS 610, 612 ante.

3 Registration Service Act 1953 s 11(1). As to registration sub-districts see PARA 619 ante.

4 Ibid s 11(2). As to the Registrar General see PARAS 605-606 ante. For the purposes of the provisions of the Registration Acts (as to which see PARA 501 note 3 ante) with respect to attendance of persons and the registration of births and deaths, any station for a registrar's sub-district, as well as the office for it, is deemed to be the office of the registrar: s 11(2).

5 Ibid s 11(3).

6 For the meaning of 'proper officer' see PARA 610 note 10 ante.

7 For the meaning of 'principal officer' see PARA 614 note 14 ante.

8 For the meaning of 'coroner' see PARA 613 note 14 ante.

9 For the meaning of 'registered medical practitioner' see MEDICAL PROFESSIONS vol 30(1) (Reissue) PARA 4.

10 For the meaning of 'registered midwife' see MEDICAL PROFESSIONS vol 30(1) (Reissue) PARA 717.

11 Registration of Births, Deaths and Marriages Regulations 1968, SI 1968/2049, regs 2(1), 8(1) (amended by SI 1974/571; definition of 'midwife' substituted by SI 1985/1133).

12 Registration of Births, Deaths and Marriages Regulations 1968, SI 1968/2049, reg 8(2).

UPDATE

618-625 Quarterly returns of certified copies ... Contents of local schemes

Certain functions under provisions mentioned in these paragraphs are 'relevant functions' for the purposes of the Regulatory Enforcement and Sanctions Act 2008 s 4, Sch 3: see LOCAL GOVERNMENT vol 69 (2009) PARA 733.

621 Sub-district offices

TEXT AND NOTES 6-12--Omitted. SI 1968/2049 reg 8 revoked: SI 2007/1422.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/3. THE REGISTRATION SERVICE/(3) ORGANISATION/ (ii) Local Organisation/622. Local organisation generally.

(ii) Local Organisation

622. Local organisation generally.

The local authorities responsible for the administration of the provisions of the Registration Acts¹ are, outside London, the councils of non-metropolitan counties (which include county boroughs in Wales)², the councils of metropolitan districts in England and the Council of the Isles of Scilly³, and, in London, the councils of the London boroughs and the Common Council of the City of London⁴. In every non-metropolitan county, metropolitan district and London borough, and in the City of London, there must be one or more registration districts and in every district one or more sub-districts⁵, and in each such metropolitan county, metropolitan district and London borough and the City of London there must be in force a local scheme⁶.

1 For the meaning of 'the Registration Acts' see PARA 501 note 3 ante.

2 See the Registration Service Act 1953 s 21(2)(b) (as amended); and PARA 606 note 10 ante.

3 See ibid s 14 (as amended); and PARA 623 post. As to local government in the Isles of Scilly see LOCAL GOVERNMENT vol 69 (2009) PARA 36; and see also PARA 606 note 10 ante.

4 See note 2 supra. As to London local authorities see generally LOCAL GOVERNMENT vol 69 (2009) PARA 5.

5 See PARA 619 ante.

6 See the Registration Service Act 1953 s 13(1)(amended by the Local Government Act 1972 s 251, Sch 29 para 41). For the meaning of 'local scheme' see PARA 606 note 10 ante. As to the preparation and submission of schemes to the Chancellor of the Exchequer see PARA 623 post.

UPDATE

618-625 Quarterly returns of certified copies ... Contents of local schemes

Certain functions under provisions mentioned in these paragraphs are 'relevant functions' for the purposes of the Regulatory Enforcement and Sanctions Act 2008 s 4, Sch 3: see LOCAL GOVERNMENT vol 69 (2009) PARA 733.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/3. THE REGISTRATION SERVICE/(3) ORGANISATION/ (ii) Local Organisation/623. Preparation and submission of schemes.

623. Preparation and submission of schemes.

The council of a non-metropolitan county (including a county borough in Wales)¹, metropolitan district or London borough and the Common Council of the City of London may from time to time prepare and submit schemes to the Chancellor of the Exchequer for approval²; but where a non-metropolitan county or metropolitan district has been created after the commencement of the Registration Service Act 1953³, the scheme must be prepared and submitted within the period allowed by the Chancellor of the Exchequer⁴.

A scheme must fix the date or dates on which it is to come into operation and may fix different dates for different provisions or for different areas and the dates so fixed may be dependent upon the happening of specified events⁵.

¹ See PARA 606 note 10 ante.

² Registration Service Act 1953 s 14(1) (s 14(1), (2) amended by the Local Government Act 1972 s 251(2), Sch 29 para 41(2); and by virtue of the Transfer of Functions (Registration and Statistics) Order 1996, SI 1996/273, arts 3(1), 5(1), Sch 1 para 9(a), Sch 2 para 13). No scheme has any effect until approved by the Chancellor of the Exchequer, who may, after considering any representations with respect to the scheme which may be submitted to him by any officer affected, approve it with or without modification: Registration Service Act 1953 s 14(4) (amended by virtue of the Transfer of Functions (Registration and Statistics) Order 1996, SI 1996/273, Sch 1 para 9(a), Sch 2 para 13); and see the Registration Service Act 1953 s 21(1) (amended by the Transfer of Functions (Registration and Statistics) Order 1996, SI 1996/273, Sch 2 para 13) (meaning of 'the minister').

³ I.e 1 October 1953: Registration Service Act 1953 s 24(3).

⁴ Ibid s 14(2) (as amended: see note 2 supra). Eg certain new authorities in England and Wales were required to submit schemes no later than 15 January 1996: see the Local Government (Changes for the Registration Service in Avon, Cleveland, Humberside and North Yorkshire) Order 1995, SI 1995/3105; and the Local Government (Registration Service in Wales) Order 1995, SI 1995/3106.

⁵ Registration Service Act 1953 s 14(3). A scheme may contain any necessary incidental, consequential or supplemental provisions and may be varied or revoked by a subsequent scheme made in like manner as the original: s 14(6). As to the alteration or revocation of a scheme made by the Registrar General see PARA 624 note 6 post.

UPDATE

618-625 Quarterly returns of certified copies ... Contents of local schemes

Certain functions under provisions mentioned in these paragraphs are 'relevant functions' for the purposes of the Regulatory Enforcement and Sanctions Act 2008 s 4, Sch 3: see LOCAL GOVERNMENT vol 69 (2009) PARA 733.

623 Preparation and submission of schemes

TEXT AND NOTE 2--Reference to the Chancellor of the Exchequer is now to the Secretary of State: Registration Service Act 1953 ss 14, 21 (further amended by SI 2008/678).

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/3. THE REGISTRATION SERVICE/(3) ORGANISATION/ (ii) Local Organisation/624. Power of Registrar General to make schemes.

624. Power of Registrar General to make schemes.

If it appears to the Registrar General¹ at any time that by reason of special circumstances an immediate adjustment is necessary in the division of any non-metropolitan county (including a county borough in Wales)² or metropolitan district into districts and sub-districts³ or that a council is required⁴ but has failed to submit a local scheme to the Chancellor of the Exchequer within the period allowed by him, then, after consulting the council concerned, the Registrar General may prepare a scheme for the purpose, and any such scheme so prepared, if approved by the Chancellor of the Exchequer, has effect as if submitted by that council and duly approved⁵. Any such scheme may contain such incidental or supplemental provisions as may appear necessary or proper for the purposes of the scheme and may be varied or revoked by a subsequent scheme made in like manner by the Registrar General, or by a subsequent scheme submitted by the council concerned and approved by the Chancellor of the Exchequer⁶.

1 As to the Registrar General see PARAS 605-606 ante.

2 See PARA 606 note 10 ante.

3 As to registration districts and sub-districts see PARA 619 ante.

4 Ie required by the Registration Service Act 1953 s 14(2) (as amended): see PARA 623 ante.

5 Ibid s 14(5) (amended by the Local Government Act 1972, Sch 29 para 41(2); and by virtue of the Transfer of Functions (Registration and Statistics) Order 1996, SI 1996/273, arts 3(1), 5(1), Sch 1 para 9(a), Sch 2 para 13). See eg the Local Government (Changes for the Registration Service in Avon, Cleveland, Humberside and North Yorkshire) Order 1995, SI 1995/3105, art 2(2); and the Local Government (Registration Service in Wales) Order 1995, SI 1995/3106, art 2(2).

6 See the Registration Service Act 1953 s 14(6) (amended by virtue of the Transfer of Functions (Registration and Statistics) Order 1996, SI 1996/273, Sch 1 para 9(a), Sch 2 para 13).

UPDATE

618-625 Quarterly returns of certified copies ... Contents of local schemes

Certain functions under provisions mentioned in these paragraphs are 'relevant functions' for the purposes of the Regulatory Enforcement and Sanctions Act 2008 s 4, Sch 3: see LOCAL GOVERNMENT vol 69 (2009) PARA 733.

624 Power of Registrar General to make schemes

TEXT AND NOTES 5, 6--References to the Chancellor of the Exchequer are now to the Secretary of State: Registration Service Act 1953 s 14 (further amended by SI 2008/678).

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/3. THE REGISTRATION SERVICE/(3) ORGANISATION/ (ii) Local Organisation/625. Contents of local schemes.

625. Contents of local schemes.

Provision must be made by a local scheme¹ for:

- 258 (1) determining the number and boundaries of the registration districts and sub-districts² in the non-metropolitan county (including, in Wales, the county borough)³ or metropolitan district⁴;
- 259 (2) determining the location of offices and stations for those districts and sub-districts⁵;
- 260 (3) determining the number of superintendent registrars, registrars⁶ of births and deaths and other officers required for the purposes of the Registration Acts⁷ within the non-metropolitan county and metropolitan district⁸;
- 261 (4) conferring and imposing on registrars of births and deaths the functions of registrars of marriages⁹ subject to such exceptions, if any, as may be specified in the scheme¹⁰;
- 262 (5) fixing, subject to such power of revision as may be provided by the scheme, the salary and other remuneration, if any, to be attached to each office and the allowances, if any, to be paid for travelling, for the provision of office accommodation and for other expenses¹¹;
- 263 (6) fixing, subject to such power of revision as may be provided by the scheme, the conditions on which an office is to be held, so, however, that nothing in the scheme affects the power of the Registrar General¹² to remove from office an officer in any case in which he is satisfied that the officer has been guilty of serious default in the performance of the duties imposed on him by the Registration Acts or any regulations made under them¹³;
- 264 (7) applying with any necessary modifications, adaptations and exceptions the provisions of the local government scheme relating to the transfer, superannuation and compensation of officers¹⁴; and
- 265 (8) conferring on the proper officer of the council of the non-metropolitan county, county borough or metropolitan district powers with respect to fixing of hours of attendance of officers, the distribution of business between officers, and the transfer of superintendent registrars and registrars of births and deaths within or between districts¹⁵.

Where two or more officers are appointed to act for a single registration district or sub-district, the local scheme may also provide for the distribution between them of the registration functions to be discharged within the district or sub-district, but such distribution must not render any such officer disqualified from acting at any time or at any place in the district or sub-district as the case may be¹⁶. The scheme may also confer on the proper officer of the local authority such general powers of supervising the administration of the provisions of the Registration Acts within the non-metropolitan county or metropolitan district as may be specified in the scheme¹⁷.

¹ For the meaning of 'local scheme' see PARA 606 note 10 ante.

² As to registration districts and sub-districts see PARA 619 ante.

³ 'Non-metropolitan county' includes a county borough in Wales: see PARA 606 note 10 ante.

- 4 Registration Service Act 1953 s 13(2)(a) (s 13(2) amended by the Local Government Act 1972 s 251(2), Sch 29 para 41(2), (4)).
- 5 Registration Service Act 1953 s 13(2)(b). As to offices and stations see PARAS 620-621 ante.
- 6 As to superintendent registrars and registrars see PARAS 609-610 ante.
- 7 For the meaning of 'the Registration Acts' see PARA 501 note 3 ante.
- 8 Registration Service Act 1953 s 13(2)(c) (as amended: see note 4 supra).
- 9 As to registrars of marriages see PARA 611 ante.
- 10 Registration Service Act 1953 s 13(2)(d).
- 11 Ibid s 13(2)(e).
- 12 As to the Registrar General see PARAS 605-606 ante.
- 13 Registration Service Act 1953 s 13(2)(f). The Registrar General must be informed of the resignation of a superintendent registrar, registrar of births and deaths or registrar of marriages: see the Registration of Births, Deaths and Marriages Regulations 1968, SI 1968/2049, reg 7 (as amended); and PARA 612 ante.
- 14 Registration Service Act 1953 s 13(2)(g); and see further LOCAL GOVERNMENT vol 69 (2009) PARA 454.
- 15 Ibid s 13(2)(h) (as amended: see note 4 supra).
- 16 Ibid s 13(3)(a).
- 17 Ibid s 13(3)(b) (as amended: see note 4 supra).

UPDATE

618-625 Quarterly returns of certified copies ... Contents of local schemes

Certain functions under provisions mentioned in these paragraphs are 'relevant functions' for the purposes of the Regulatory Enforcement and Sanctions Act 2008 s 4, Sch 3: see LOCAL GOVERNMENT vol 69 (2009) PARA 733.

625 Contents of local schemes

TEXT AND NOTES 12, 13--In head (6) words 'so, however... under them' omitted: Registration Service Act 1953 s 13(2)(f) (amended by Statistics and Registration Service Act 2007 s 70(3), Sch 4 Pt 2).

NOTE 13--SI 1968/2049 reg 7 revoked: SI 2007/3391.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/4. STATISTICS OF POPULATION/(1) INFORMATION WHICH MAY BE REQUIRED/626. Particulars required on registration of births and deaths.

4. STATISTICS OF POPULATION

(1) INFORMATION WHICH MAY BE REQUIRED

626. Particulars required on registration of births and deaths.

With a view to the compilation of statistical information with respect to the social and civil condition of the population of Great Britain¹, every person giving information in accordance with the Registration Acts² upon the registration of a birth, stillbirth or death must furnish to the registration officer³ such of the following particulars as are appropriate to the registration and are within his knowledge⁴:

- 266 (1) on registration of a birth including a stillbirth, in all cases, the age of the mother and of the father if his name is entered on the register and, except where the birth is of a child whose parents are not married to each other, the date of the parents' marriage, whether the mother has been married before her marriage to the father of the child, and the number of the children of the mother by her present husband and by any former husband and how many of them were born alive or were stillborn⁵;
- 267 (2) on the registration of death, whether the deceased was single, married, widowed or divorced and the age of the surviving spouse, if any⁶.

Where a draft of the particulars to be registered concerning a birth or death is prepared⁷, then, except in the case of:

- 268 (a) the registration of the death of a child under the age of 16 years;
- 269 (b) the registration of a live birth or death which occurred more than 12 months previously;
- 270 (c) the reregistration of a birth or death on the authority of the Registrar General⁸,

the superintendent registrar or registrar concerned must require the informant to furnish to him such of the other particulars specified in heads (1) and (2) above as are appropriate to the registration and within his knowledge and must enter the information so furnished on an approved form or, if he has one, on a computer⁹. The superintendent registrar or registrar concerned must show or read to the informant the particulars so entered and must correct any error or omission¹⁰.

The registrar must send to the Registrar General¹¹ the draft of particulars prepared¹²:

- 271 (i) in the case of a live birth, not later than the Saturday of the week following the week in which he registered the birth; and
- 272 (ii) in the case of a stillbirth or death, not later than the Saturday of the week in which he registered the still birth or death¹³.

1 For the meaning of 'Great Britain' see PARA 539 note 11 ante.

2 For these purposes, 'the Registration Acts' means the Births and Deaths Registration Acts 1836-1929: Population (Statistics) Act 1938 s 7(2). Of those Acts the following are extant: the Births and Deaths Registration Act 1858 ss 1-3 (registers deposited with the Registrar General); the Births and Deaths Registration Act 1874 ss 18, 19, 51, 53 (as amended) (see CREMATION AND BURIAL); and the Births and Deaths Registration Act 1926 s 1 (as amended) (see PARA 575 ante), ss 3-5, 9-13 (as amended) (see PARAS 551, 577 ante). See, however, the definition in PARA 501 note 3 ante. As to the effect of repeal and re-enactment see the Interpretation Act 1978 s 17; and STATUTES vol 44(1) (Reissue) PARA 1303. Any provision of the Population (Statistics) Act 1938 requiring particulars to be furnished for the purposes of that Act (see PARA 627 post) is not affected by anything in the Births and Deaths Registration Act 1953: s 42(5).

3 'Registration officer' means any superintendent registrar or registrar of births and deaths: Population (Statistics) Act 1938 s 7(2). As to superintendent registrars and registrars see PARAS 609-610 ante. As to the meaning of 'birth' and 'stillbirth' see 504 note 5 ante.

4 Ibid s 1. For the manner in which these particulars are taken see PARA 632 post.

- 5 Ibid s 1, Schedule para 1 (Schedule substituted by the Population (Statistics) Act 1960 s 1(2)).
- 6 Population (Statistics) Act 1938 Schedule para 2 (as substituted: see note 5 supra).
- 7 le pursuant to the Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 3 (as substituted): see PARA 536 ante.
- 8 As to reregistration of births on that authority see PARA 552 ante.
- 9 Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 69(1) (regs 69, 70 amended by SI 1992/2753).
- 10 Registration of Births and Deaths Regulations 1987, SI 1987/2088, reg 69(2) (as amended: see note 9 supra).
- 11 The draft particulars may, if prepared on approved forms, be sent on such forms, or, if prepared on a computer, be transmitted on a computer disk or via a telephonic link: ibid reg 70A (added by SI 1992/2753).
- 12 le pursuant to the Registration of Births and Deaths Regulations 1987, SI 1987/2088, regs 3, 69 (as amended): see PARA 536 ante; and the text and notes 9-10 supra.
- 13 Ibid reg 70(1) (as amended: see note 9 supra). With the draft of particulars in the case of a stillbirth or death, certain coroner's certificates must be sent, together with such particulars as are necessary to identify the entry and register to which that information relates: see reg 70(2) (as amended: see note 9 supra).

UPDATE

626 Particulars required on registration of births and deaths

NOTE 2--1858 Act ss 1-3 repealed: Statute Law (Repeals) Act 2004. Births and Deaths Registration Act 1926 s 9 amended: SI 2008/678.

TEXT AND NOTE 5--1938 Act Schedule para 1 amended: Human Fertilisation and Embryology Act 2008 Sch 6 para 1.

TEXT AND NOTE 6--1938 Act Schedule para 2 amended: Civil Partnership Act 2004 Sch 27 para 9.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/4. STATISTICS OF POPULATION/(1) INFORMATION WHICH MAY BE REQUIRED/627. Particulars required when a census is taken.

627. Particulars required when a census is taken.

Any Order in Council¹ directing a census to be taken may prescribe the particulars to be stated in the returns², but no particulars may be required to be stated other than particulars with respect to (1) names, sex and age; (2) occupation, profession and trade or employment; (3) nationality, birthplace, race and language; (4) place of abode and character of dwelling; (5) condition as to marriage, relation to head of family and issue born in marriage; (6) any other matters with respect to which it is desirable to obtain statistical information with a view to ascertaining the social or civil condition of the population³.

1 Her Majesty is authorised to direct a census by Order in Council by virtue of the Census Act 1920 s 1(1): see PARA 628 post.

2 Ibid s 1(1)(c). See eg the Census Order 1990, SI 1990/243, which prescribed the particulars to be stated in the returns to be made in the census in 1990: see art 6, Schs 2, 3. A test questionnaire was distributed in June 1997 which included questions which would provide statistics related to poverty and wealth for possible

inclusion in the 2001 census, in particular a question about banded individual gross income: see 295 HC Official Report (6th series) (3 June 1997) written answers col 154. As to particulars to be obtained by enumerators see eg the Census Regulations 1990, SI 1990/307, reg 9.

3 Census Act 1920 s 1(1)(c) proviso (ii), Schedule. If by part of the Order in Council it is proposed to prescribe any particulars with respect to any of the matters mentioned in head (6) in the text, that part of the order has no effect unless both Houses of Parliament approve that part of the draft order or, if any modifications in that part are agreed to by both Houses, it has effect as so modified: see s 1(2) proviso. See also note 2 *supra*.

UPDATE

627 Particulars required when a census is taken

TEXT AND NOTE 3--Head (5). Now refers to marriage or civil partnership: 1920 Act Schedule (amended by Civil Partnership Act 2004 Sch 27 para 4).

Also, head (7) religion: 1920 Act Schedule (amended by Census (Amendment) Act 2000 s 1(1)).

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/4. STATISTICS OF POPULATION/(2) OBTAINING THE INFORMATION/(i) General Census/628. Power to direct a census.

(2) OBTAINING THE INFORMATION

(i) General Census

628. Power to direct a census.

A census may by Order in Council¹ be directed to be taken for Great Britain, or for any part of Great Britain, from time to time², but no census may be required to be taken in any part of Great Britain in any year unless, at the commencement of that year, at least five years have elapsed since the commencement of the year in which a census was last taken in that part of Great Britain³.

1 Any such Order in Council may prescribe the date on which the census is to be taken (Census Act 1920 s 1(1)(a)) and the persons by whom and with respect to whom the returns for the purpose of the census are to be made (s 1(1)(b)). See also PARA 627 *ante*. See eg the Census Order 1990, SI 1990/243, which directed that a census be taken on 21 April 1991 with respect to all persons in Great Britain, all other persons usually resident in Great Britain but who did not spend census night in Great Britain, and persons spending census night on board one of Her Majesty's ships within the territorial sea adjacent to Great Britain, provided in each case that the person was alive at midnight ending census day: arts 3, 4(1), (2), Sch 1. The 1990 Order also prescribed the persons by whom returns were to be made (art 5), and the particulars to be stated in the returns (art 6, Sch 2). As to the form of return which was to be made see the Census Regulations 1990, SI 1990/307, reg 6(1), Sch 3. For the meaning of 'Great Britain' see PARA 539 note 11 *ante*.

A draft of the Order in Council must be laid before each House of Parliament for a period of not less than 40 days and, if either House before the expiration of that period presents an address against the draft or any part of it, no further proceedings may be taken on it, but without prejudice to the making of a new draft order: Census Act 1920 s 1(2); Statutory Instruments Act 1946 s 6(2). As to the laying of documents before Parliament see PARLIAMENT vol 34 (Reissue) PARA 941 *et seq*; STATUTES. As to when it is necessary for a draft order to be approved by resolution of both Houses of Parliament see PARA 627 note 3 *ante*. Any such Order in Council may be revoked, amended or varied by a subsequent order: Census Act 1920 s 1(3).

2 Ibid s 1(1).

³ Ibid s 1(1) proviso (i). The first census was taken in 1801, and a census has been taken in Great Britain every ten years from 1811 onwards, except for 1941. A sample census was taken under the Act in 1966. In 1871 and 1881 the census contained particulars as to certain colonies.

UPDATE

628 Power to direct a census

NOTE 1--See now Census (England and Wales) Order 2009, SI 2009/3210, which directs that a census be taken for England and Wales on 27 March 2011.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/4. STATISTICS OF POPULATION/(2) OBTAINING THE INFORMATION/(i) General Census/629. Power to make regulations.

629. Power to make regulations.

For the purpose of enabling any Order in Council directing a census¹ to be taken to be carried into effect, the Chancellor of the Exchequer may make regulations²:

- 273 (1) providing for the division of the country into districts for the purpose of the census³ and the appointment of persons to act in those districts in connection with the census⁴;
- 274 (2) requiring superintendent registrars and such other persons as may be employed for the purpose of the census to perform such duties in connection with the taking of the census as may be prescribed⁵;
- 275 (3) requiring persons employed for the purpose of the census to make a statutory declaration with respect to the performance of their duties, and authorising any superintendent registrar or registrar to take such a declaration⁶;
- 276 (4) requiring the chief officers of public or charitable institutions, or of any other institutions prescribed by the regulations, to make returns with respect to the inmates of them⁷;
- 277 (5) requiring information to be given to the person liable to make returns by the persons with respect to whom the returns are to be made⁸;
- 278 (6) with respect to the forms to be used in the taking of a census⁹; and
- 279 (7) making provision with respect to any other matters as regards which it is necessary to make provision for the purpose of carrying into effect the Order in Council¹⁰.

¹ As to the power to direct a census see PARA 628 ante.

² See the Census Act 1920 s 3(1) (amended by the Transfer of Functions (Registration and Statistics) Order 1996, SI 1996/273, art 5(1), Sch 2 para 3(1), (2); and by virtue of art 3(1), Sch 1 para 3(b)); and see eg the Census Regulations 1990, SI 1990/307 (amended by SI 1991/796). Every regulation must be laid before both Houses of Parliament and, if an address is presented by either House within the subsequent 40 days on which that House has sat next after any such regulation is laid before it praying that the regulation may be annulled, Her Majesty in Council may revoke the regulation, but without prejudice to the validity of anything done under it: Census Act 1920 s 3(2); Statutory Instruments Act 1946 ss 4(3), 5(2); and see PARA 628 note 1 ante.

³ See eg the Census Regulations 1990, SI 1990/307, reg 3, providing for the division of England and Wales into census districts and the division of each census district into enumeration districts.

⁴ Census Act 1920 s 3(1)(a). As to the appointment and replacement of census supervisors, census officers, assistant census officers and enumerators see eg the Census Regulations 1990, SI 1990/307, reg 4.

5 Census Act 1920 s 3(1)(b) (amended by the Statute Law (Repeals) Act 1993). As to the duties of persons employed for the purposes of a census see eg the Census Regulations 1990, SI 1990/307, regs 8, 9, 13, 13A, 14 (reg 13A added by SI 1991/796).

6 Census Act 1920 s 3(1)(c). See eg the Census Regulations 1990, SI 1990/307, reg 5, Sch 1.

7 Census Act 1920 s 3(1)(d). The Census Order 1990, SI 1990/243, art 5(4) required chief officers of institutions etc to make returns with respect to inmates etc but only where the inmate was incapable of making his own return. Article 5(6) required chief officers etc to make another return listing the persons present. The Census Regulations 1990, SI 1990/307, reg 12 only required the chief officer etc to enter the name and address of the premises or name of the vessel on the returns made by individual inmates etc or by him on their behalf.

8 Census Act 1920 s 3(1)(e). See eg the Census Regulations 1990, SI 1990/307, reg 15.

9 Census Act 1920 s 3(1)(f). See eg the Census Regulations 1990, SI 1990/307, reg 6, Schs 2, 3.

10 Census Act 1920 s 3(1)(g). As to the right to make separate confidential returns see eg the Census Order 1990, SI 1990/243, art 5(3); and the Census Regulations 1990, SI 1990/307, regs 10, 11.

UPDATE

629 Power to make regulations

TEXT AND NOTES--See now Census Regulations 2000, SI 2000/1473 (amended by SI 2000/3351).

TEXT AND NOTE 2--Reference to the Chancellor of the Exchequer is now to the Minister for the Cabinet Office in relation to England or the Welsh Ministers in relation to Wales: 1920 Act s 3(1) (amended by Statistics and Registration Service Act 2007 Sch 1 para 3(2)). They must consult the Statistics Board (see PARA 605) before making regulations under the 1920 Act s 3(1): s 3(1A) (added by Statistics and Registration Service Act 2007 Sch 1 para 3(4)).

TEXT AND NOTE 6--Head (3). Reference to any superintendent registrar or registrar is now to any employee of the Statistics Board: 1920 Act s 3(1)(c) (amended by Statistics and Registration Service Act 2007 Sch 1 para 3(3)).

NOTE 7--See now Census (England and Wales) Order 2009, SI 2009/3210; and PARA 628.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/4. STATISTICS OF POPULATION/(2) OBTAINING THE INFORMATION/(i) General Census/630. Duties of the Registrar General.

630. Duties of the Registrar General.

Where a census has been directed to be taken, it is the duty of the Registrar General¹ to make such arrangements and do all such things as are necessary for the taking of the census² and for that purpose to make arrangements for the preparation and issue of the necessary forms and instructions and for the collection of the forms when filled up³. In the exercise of his powers and duties in relation to the census, the Registrar General is subject to the control of the Chancellor of the Exchequer and must comply with any directions given by him⁴.

As soon as may be after the taking of a census, the Registrar General must prepare reports on the census returns⁵; and if he so thinks fit, at the request and cost of any local authority or person, he may cause abstracts to be prepared containing statistical information which can be derived from the census returns, but which is not contained in his census reports and is, in his opinion, reasonably required by that authority or person⁶.

- 1 As to the Registrar General see PARAS 605-606 ante.
- 2 In accordance with the provisions of the Census Act 1920 and of any Order in Council or regulations made thereunder: Census Act 1920 s 2(1).
- 3 Ibid s 2(1).
- 4 Ibid s 2(2) (amended by the Transfer of Functions (Registration and Statistics) Order 1996, SI 1996/273, art 5(1), Sch 2 para 3(1), (2); and by virtue of art 3(1), Sch 1 para 3(a)). Any expenses incurred by the Chancellor of the Exchequer or the Registrar General with Treasury sanction must be defrayed out of money provided by Parliament: Census Act 1920 s 2(3) (as so amended). As to the expenses of local authorities see PARA 631 post.
- 5 Ibid s 4(1). Every such report must be printed and laid before both Houses of Parliament: s 4(1). As to laying documents before Parliament see generally PARLIAMENT vol 34 (Reissue) PARA 941 et seq.
- 6 Ibid s 4(2).

UPDATE

630 Duties of the [Statistics Board]

TEXT AND NOTES--References to Registrar General now to Statistics Board (see PARA 605): Census Act 1920 ss 2(1), 4 (amended by Statistics and Registration Service Act 2007 Sch 1 paras 2(2), 4).

TEXT AND NOTE 4--Statistics Board is subject to control of the Minister for the Cabinet Office: 1920 Act s 2(2) (substituted by Statistics and Registration Service Act 2007 Sch 1 para 2(3)).

NOTE 4--1920 Act s 2(3) repealed: Statistics and Registration Service Act 2007 Sch 1 para 2(4), Sch 4 Pt 1.

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/4. STATISTICS OF POPULATION/(2) OBTAINING THE INFORMATION/(ii) Local Census/631. In general.

(ii) Local Census

631. In general.

If an application is made to the Chancellor of the Exchequer by a local authority¹ asking that a census may be taken for the whole or any part of its area, or for an area consisting of the whole or any part of that area and of the whole or any part of an adjoining area, then, if he thinks fit, the Chancellor of the Exchequer may submit the application to Her Majesty, and a census may by Order in Council be directed to be taken for the area specified in the application, or for any part of that area, if it appears to Her Majesty expedient so to do for the purpose of facilitating the due performance by the local authority of its statutory duties². Subject to such exceptions, modifications and adaptations as may be specified in the Order in Council, the provisions of the Census Act 1920 with respect to the taking of a general census, other than the provision with respect to the interval between one census and another³, apply to the taking of a local census⁴.

Any expenses incurred in connection with the taking of a local census, including the publication of any reports or returns relating to the census, are payable by the local authority by which the application for the census was made⁵.

1 The local authorities to which this provision applies are the Common Council of the City of London and the councils of London boroughs, counties and districts: Census Act 1920 s 6(3) (amended by virtue of the London Government Act 1963 s 4(2); and the Local Government Act 1972 s 1(1)). Without prejudice to the power of any other local authority to which these provisions apply to make an application for the taking of a census, a county council may apply for a census to be taken for the whole of the area of the council including the areas of any authorities which are themselves local authorities for these purposes: see the Census Act 1920 s 6(3) proviso.

2 Ibid s 6(1) (amended by the Transfer of Functions (Registration and Statistics) Order 1996, SI 1996/273, art 5(1), Sch 2 para 3(2); and by virtue of art 3(1), Sch 1 para 3(c)). At the date at which this volume states the law this power had not been exercised.

3 See PARA 628 ante.

4 Census Act 1920 s 6(2).

5 See ibid s 7 (amended by the Statute Law (Repeals) Act 1993).

UPDATE

631 In general

NOTES--Certain functions under provisions mentioned in this paragraph are 'relevant functions' for the purposes of the Regulatory Enforcement and Sanctions Act 2008 s 4, Sch 3, see LOCAL GOVERNMENT vol 69 (2009) PARA 733.

TEXT AND NOTES 1, 2--References to the Chancellor of the Exchequer are now to the Minister for the Cabinet Office: 1920 Act s 6(1) (amended by Statistics and Registration Service Act 2007 Sch 1 para 6).

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/4. STATISTICS OF POPULATION/(2) OBTAINING THE INFORMATION/(iii) Collection of Information by Registration Officers/632. Duties of the Registrar General.

(iii) Collection of Information by Registration Officers

632. Duties of the Registrar General.

The Registrar General¹ must make arrangements and do everything necessary for the collection and collation of the particulars furnished² to registration officers³ pursuant to the Population (Statistics) Act 1938⁴, including making the arrangements for the preparation and issue of any necessary forms and instructions⁵. From time to time the Registrar General must also collect and publish any available statistical information with respect to the number and condition of the population in the interval between one census and another, and otherwise further the supply and provide for the better co-ordination of such information, and he may make arrangements with any government department or local authority for the purpose of acquiring any materials or information necessary for that purpose⁶.

A superintendent registrar or a registrar must at such times and in such manner as the Registrar General may direct send to the Registrar General such information concerning births, stillbirths, deaths and marriages as he may require to be extracted from the records kept by the officer⁷.

1 As to the Registrar General see PARAS 605-606 ante.

2 See PARAS 626-627 ante. Nothing in the Population (Statistics) Act 1938 requiring particulars to be furnished affects provisions of the Registration Acts (as to which see PARA 626 note 2 ante) which require information to be given for the purposes of those Acts: Population (Statistics) Act 1938 s 5.

3 For the meaning of 'registration officer' see PARA 626 note 3 ante.

4 The statistical information compiled from these particulars is to be included in the annual abstracts sent by the Registrar General to the Chancellor of the Exchequer: see PARA 608 ante.

5 Population (Statistics) Act 1938 s 2(1). With the approval of the Chancellor of the Exchequer, the Registrar General may prescribe, by regulations, the duties of superintendent registrars and registrars of births and deaths and registrars of marriages in the execution of any enactment relating to their functions: see the Registration Service Act 1953 s 20(a) (as amended); and PARA 606 ante. By instructions of the Registrar General there must be exhibited in the office of every superintendent registrar and registrar of births and deaths a notice concerning the requirements of the Population (Statistics) Act 1938. The Registrar General is under the control and direction of the Chancellor of the Exchequer: see the Population (Statistics) Act 1938 s 2(2) (s 2 amended by the Transfer of Functions (Registration and Statistics) Order 1996, SI 1996/273, art 5(1), Sch 2 para 7(1), (2); and by virtue of art 3(1), Sch 1 para 5). Any expenses incurred with Treasury approval by the Chancellor of the Exchequer or the Registrar General in connection with the performance of his functions under that Act are defrayed out of money provided by Parliament: Population (Statistics) Act 1938 s 2(3) (as so amended). As to superintendent registrars and registrars see PARAS 609-610 ante.

6 Census Act 1920 s 5. As to the expenses of local authorities see PARA 631 ante.

7 Registration of Births, Deaths and Marriages Regulations 1968, SI 1968/2049, reg 11.

UPDATE

632 Duties of the Registrar General

NOTE 5--Reference to Chancellor of the Exchequer now to Secretary of State: Population (Statistics) Act 1938 s 2(2), (3) (amended by SI 2008/678).

TEXT AND NOTE 6--References to Registrar General now to Statistics Board (see PARA 605): 1920 Act s 5(1) (s 5 renumbered as s 5(1), amended by Statistics and Registration Service Act 2007 Sch 1 para 5(2), (3)). The Statistics Board must obtain the consent of the Registrar General for England and Wales before making arrangements under the 1920 Act s 5(1) with any local authority for the purpose of acquiring (1) any information entered in any register kept under the Births and Deaths Registration Act 1953; (2) any information entered in any marriage register book kept under the Marriage Act 1949 Pt 4 (ss 53-67) (see PARA 558 et seq); (3) any information entered in records kept under the Civil Partnership Act 2004 (see MATRIMONIAL AND CIVIL PARTNERSHIP LAW); (4) any information not falling within heads (1)-(3) which is recorded by any superintendent registrar or registrar in relation to any birth, death or marriage; (5) any information not falling within heads (1)-(3) which is recorded by a registrar or authorised person (within the meaning of the Civil Partnership Act 2004 s 8 (see MATRIMONIAL AND CIVIL PARTNERSHIP LAW) in relation to a civil partnership: 1920 Act s 5(2) (added by Statistics and Registration Service Act 2007 Sch 1 para 5(4)).

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/4. STATISTICS OF POPULATION/(3) OFFENCES/633. Refusal to carry out census duties.

(3) OFFENCES

633. Refusal to carry out census duties.

Any person commits an offence who:

- 280 (1) refuses or neglects to comply with, or acts in contravention of, any of the provisions of the Census Act 1920, or any Order in Council or regulations made under that Act¹;
- 281 (2) being a person required to make a statutory declaration with respect to the performance of his duties, makes a false declaration²;
- 282 (3) being a person required to make, sign or deliver any document, makes, signs, or delivers, or causes to be made, signed, or delivered, a false document³; or
- 283 (4) being a person required to answer any question, refuses to answer, or gives a false answer to that question⁴.

The penalty for any such offence is, on summary conviction, a fine not exceeding level 3 on the standard scale⁵.

Any person who refuses or neglects to furnish, in accordance with the Population (Statistics) Act 1938, information which by that Act he is required to furnish⁶, or in furnishing such information makes any statement which to his knowledge is false in a material particular⁷, is liable on summary conviction to a fine not exceeding level 1 on the standard scale⁸.

1 Census Act 1920 s 8(1)(a).

2 Ibid s 8(1)(b). As to making such declarations see PARA 629 head (3) ante.

3 Ibid s 8(1)(c).

4 Ibid s 8(1)(d).

5 Ibid s 8(1) (amended by the Criminal Justice Act 1967 s 92(1), Sch 3 Pt I; and by virtue of the Criminal Justice Act 1982 ss 38, 46). As to the standard scale see PARA 528 note 2 ante. The mere fact that two of a number of questions fell to be answered in a box 'for enumerators' use' and, therefore, not in the handwriting of the head of the household, afforded no defence to a prosecution of the head of a household for not completing the form: *Turner v Midgley* [1967] 3 All ER 601, [1967] 1 WLR 1247, DC.

6 Population (Statistics) Act 1938 s 4(1)(a).

7 Ibid s 4(1)(b).

8 Ibid s 4(1) (amended by the Criminal Law Act 1977 s 31(6); and by virtue of the Criminal Justice Act 1982 s 46).

UPDATE

633 Refusal to carry out census duties

TEXT AND NOTE 5--No person is liable to a penalty for refusing or neglecting to state any particulars in respect of religion: 1920 Act s 8(1A) (added by Census (Amendment) Act 2000 s 1(2)).

Halsbury's Laws of England/REGISTRATION CONCERNING THE INDIVIDUAL (VOLUME 39(2) (REISSUE))/4. STATISTICS OF POPULATION/(3) OFFENCES/634-750. Unlawful disclosure of information.

634-750. Unlawful disclosure of information.

If the Registrar General for England and Wales¹ or the Registrar General for Scotland ('the registrars') or any person who is under the control of either of them² or a supplier of any services to either of them³ discloses any personal census information⁴ to another person, without lawful authority, he is guilty of an offence⁵. A person is also guilty of an offence if he discloses to another person any personal census information which he knows has been disclosed in contravention of the Census Act 1920⁶. A person guilty of any such offence is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both, or on conviction on indictment to imprisonment for a term not exceeding two years or a fine, or to both⁷. It is, however, a defence for a person charged with such an offence to prove that at the time of the alleged offence he believed (1) that he was acting with lawful authority; or (2) that the information in question was not personal census information, and that he had no reasonable cause to believe otherwise⁸.

Information obtained by virtue of the Population (Statistics) Act 1938 with respect to any particular person must not be disclosed except in so far as may be necessary for the performance by any person of his functions under that Act in connection with the furnishing, collection and collation of such information⁹ or for the performance by the Registrar General of his functions with respect to the publication of statistics between one census and another¹⁰; and any person who discloses any such information in contravention of these provisions is liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding the prescribed sum, or to both, or on conviction on indictment to imprisonment for a term not exceeding two years or a fine, or to both¹¹.

1 As to the Registrar General see PARAS 605-606 ante. References to a Registrar General include, where he is also the holder of a designated office, references to him in his capacity as the holder of that office: Census Act 1920 s 8(6)(a) (s 8(2) substituted, and s 8(3)-(7) added, by the Census (Confidentiality) Act 1991 s 1). 'Designated office', in relation to a Registrar General, means any office for the time being designated by him in writing for these purposes: Census Act 1920 s 8(7) (as so added).

2 For these purposes, a person is to be treated as under the control of one of the Registrars General if he is or has been (1) employed by that registrar, whether or not on a full-time basis; or (2) otherwise employed, or acting, whether or not on a full-time basis, as part of that registrar's staff for purposes of the Census Act 1920: s 8(6)(b) (as added: see note 1 supra).

3 For these purposes, a person is to be treated as a supplier of services to a Registrar General if he (1) supplies, or has supplied, any services to that registrar in connection with the discharge by that registrar of any of his functions; or (2) is, or has been, employed by such a supplier: *ibid* s 8(6)(c) (as added: see note 1 supra).

4 'Personal census information' means any census information which relates to an identifiable person or household; and 'census information' means any information which (1) is acquired by any person mentioned in *ibid* s 8(2) (as substituted: see note 1 supra) in the course of any work done by him in connection with the discharge of functions under s 2 (as amended) or s 4 (see PARA 630 ante); (2) is acquired by any such person in the course of working, for purposes of s 5 (see PARA 632 ante), with any information acquired as mentioned in head (1) supra; or (3) is derived from any information so acquired: s 8(7) (as added: see note 1 supra).

5 *Ibid* s 8(2) (as substituted: see note 1 supra).

6 *Ibid* s 8(3) (as added: see note 1 supra).

7 *Ibid* s 8(5) (as added: see note 1 supra). The 'statutory maximum' is the prescribed sum within the meaning of the Magistrates' Courts Act 1980 s 32 (as amended) and, as from 1 October 1992, is £5,000: s 32(9) (amended by the Criminal Justice Act 1991 s 17(2)).

8 Census Act 1920 s 8(4) (as added: see note 1 supra). The Decennial Census Returns are public records for purposes of the Public Records Act 1958 s 5(1); and by Instrument No 12 made under it by the Lord Chancellor, the public is prohibited from having access to such information until after 100 years. Records over 100 years old are held at the Public Record Office, now located at the Family Records Centre at 1 Myddelton Street, London EC1R 1UW.

9 Population (Statistics) Act 1938 s 4(2)(a).

10 *Ie* under the Census Act 1920 s 5 (see PARA 632 ante): Population (Statistics) Act 1938 s 4(2)(b).

11 Ibid s 4(2) (amended by virtue of the Criminal Law Act 1977 s 32(1); and the Magistrates' Courts Act 1980 s 32(2)). As to the prescribed sum see PARA 533 note 8 ante. However, disclosure of information in connection with proceedings for an offence under the Population (Statistics) Act 1938 s 4 (as amended), or in connection with a report of such proceedings is not an offence: see s 4(2) proviso.

UPDATE

634-750 Unlawful disclosure of information

TEXT AND NOTES 1-5--Census Act 1920 s 8(2) applies only to the Registrar General for Scotland: s 8(2) (amended by Statistics and Registration Service Act 2007 Sch 2 para 1(2)).

NOTE 1--1920 Act s 8(6)(a) and definition of 'designated office' amended: Statistics and Registration Service Act 2007 Sch 2 para 1(3)(a), (4).

NOTES 2, 3--1920 Act s 8(6)(b), (c) amended: Statistics and Registration Service Act 2007 Sch 2 para 1(3)(b), (c).

TEXT AND NOTES 9-11--This is subject to any other enactment: 1920 Act s 4(2) (amended by Statistics and Registration Service Act 2007 Sch 2 para 2).

TEXT AND NOTE 10--Refers also to the performance by the Statistics Board (see PARA 605) of its functions under the 1920 Act s 5: 1938 Act s 4(2) (amended by Statistics and Registration Service Act 2007 Sch 1 para 8).